

INVESTIGATION

OF THE

POLICE DEPARTMENT

OF THE

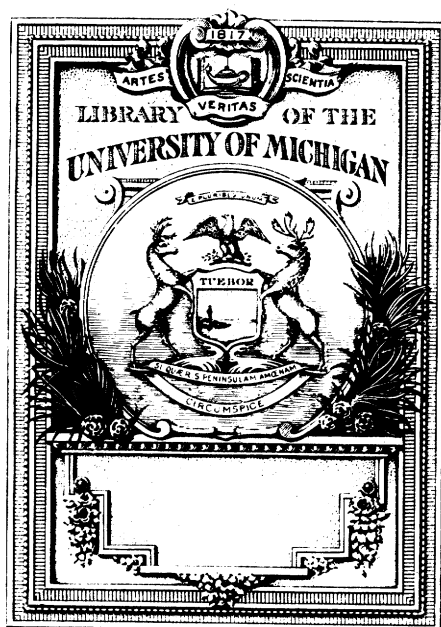
CITY OF NEW YORK.

1894.

VOL. II.

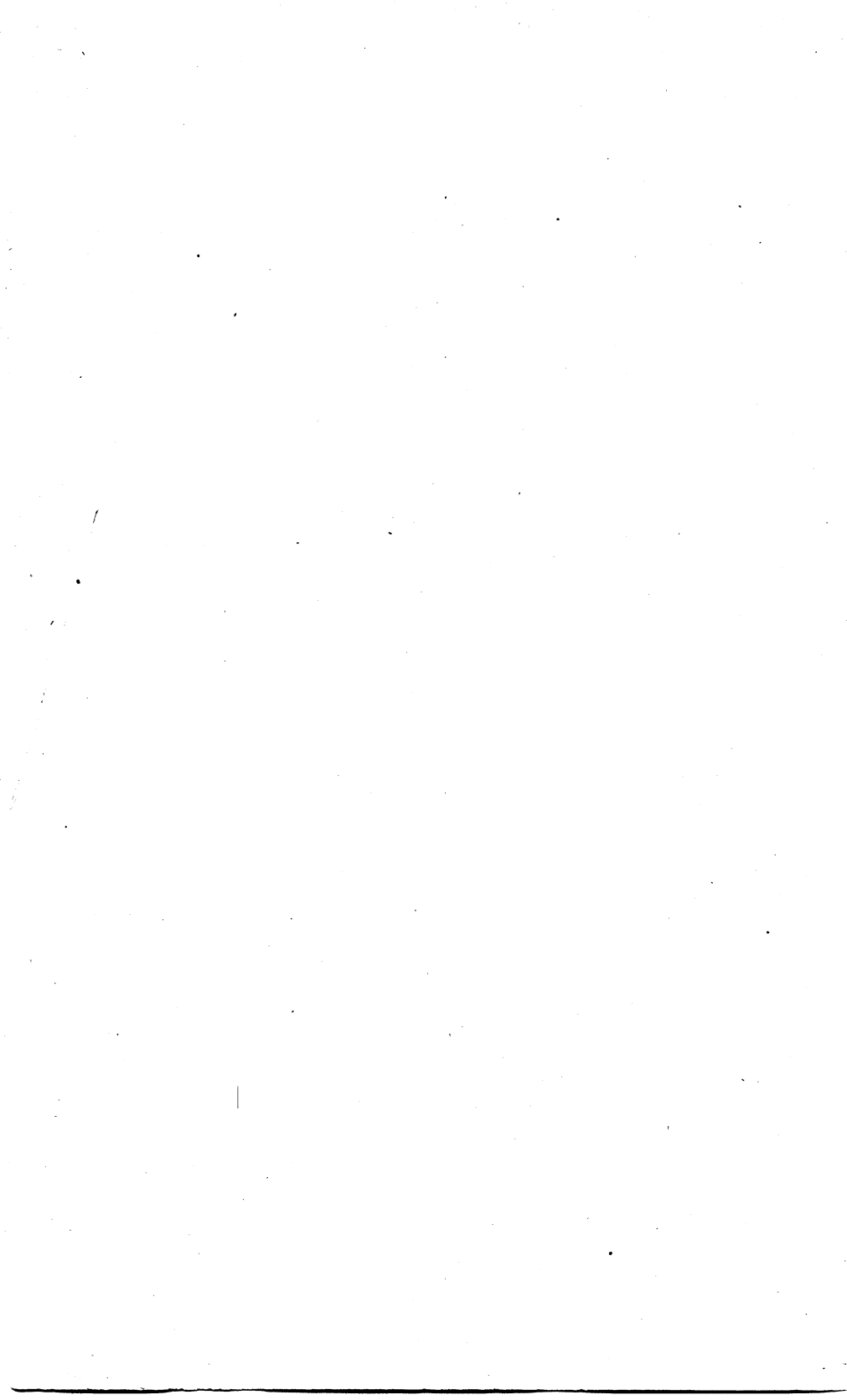
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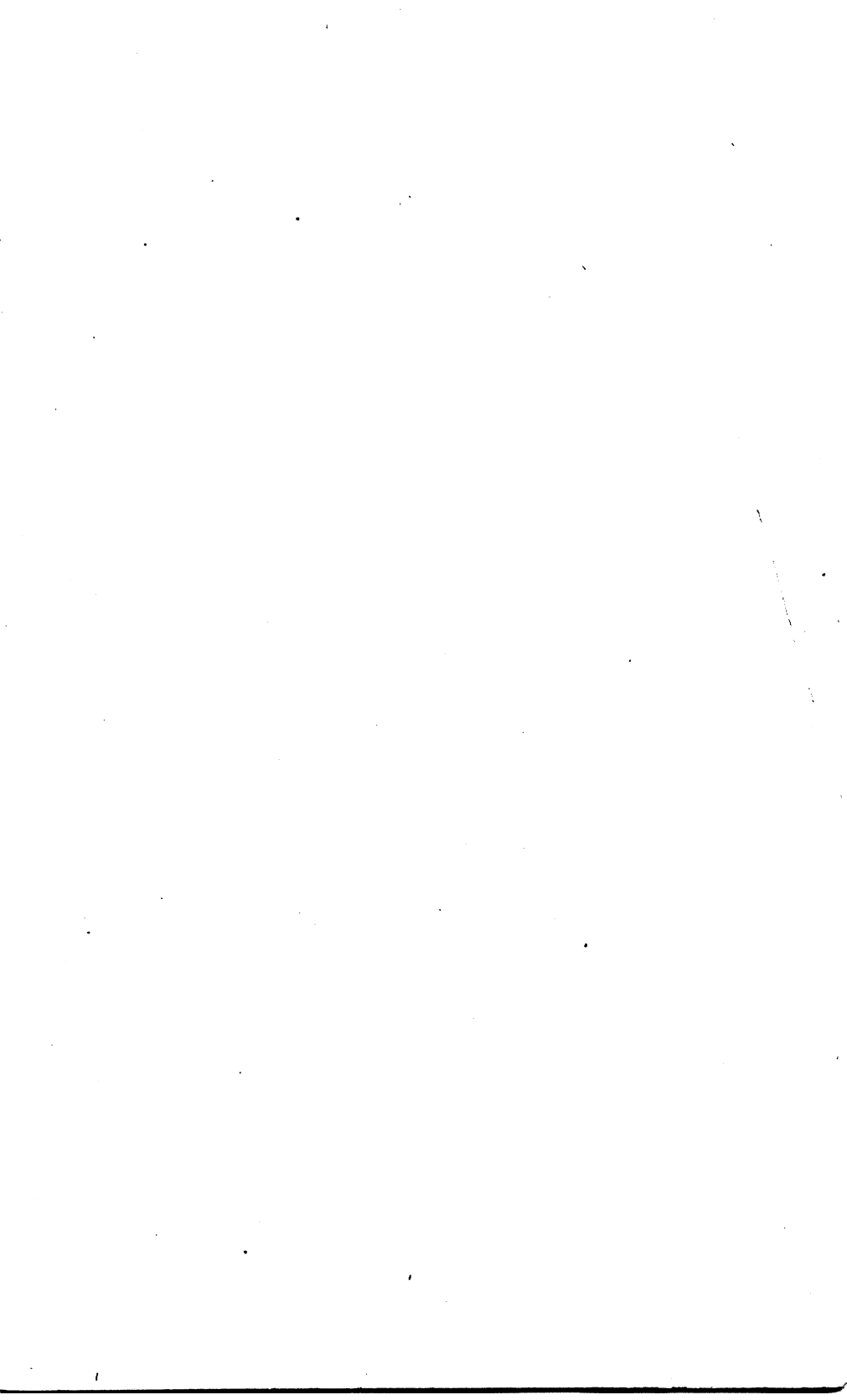
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REPORT AND PROCEEDINGS
OF THE
SENATE COMMITTEE
APPOINTED TO INVESTIGATE
THE POLICE DEPARTMENT
OF THE
CITY OF NEW YORK.

VOL. II.

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INVESTIGATION

OF THE

POLICE DEPARTMENT

OF THE

CITY OF NEW YORK

Proceedings from June 5 to June 29, 1894.

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\$100 or \$150, and he said, "If you can not get that much money, you can not open;" I said, "Well, we will see about it."

Q. Then you got the money from Mr. Schlesinger on the 29th?
A. On the 29th I got the money and about 7 o'clock I saw Mr. Farrell and Brennan, and I gave them the money.

Q. Where did you see them? A. I saw them in the saloon; we generally met them always in the saloon.

Q. Was anything said about any other money besides this \$500?
A. Yes, sir; every month, \$50.

By Chairman Lexow:

Q. Was that said at the same time? A. Yes, sir; he said after the \$500, \$50 every month.

Q. When you gave them the \$500 was it in bills? A. Yes, sir.

Q. In large bills? A. No; twenties, tens and the like of that; it was not silver.

Q. Which of the officers did you give it to? A. Mr. Brennan.

Q. Was Mr. Farrell present at the time? A. Yes, sir.

Q. What time in the day was it that you gave it to them? A. It was in the evening about 7 o'clock when we met in the private room in the saloon.

Q. Was your husband with you at that time? A. No, sir.

Q. What did Mr. Farrell and Mr. Brennan say? A. He said, "Now, you can freely keep open and not be afraid of anybody."

Q. Did they say anything else? A. They did not say anything further than that.

Q. When was the next time you saw them? A. The 20th; I promised him \$50; what I should give him every month; I said I am not able to raise the \$50 on account of the first month; on account of paying the rent of the house and what I loaned (borrowed); I said, "I will give you it every month from the 18th or 20th; I will give you one portion of the \$50."

Q. That is, you would give them \$25 cash? A. Yes, sir; and then the other \$25, and he said that was satisfactory.

Q. How much rent did you pay for the house? A. I paid \$40 a month.

Q. When did you next see either Farrell or Brennan? A. I saw them on the 20th.

Q. The 20th of the next month? A. No; the same month, October, and then I saw him, the 1st of November, and then I saw him the 20th of November, then the 23d; I had to rush around, he said, to get the house ready.

Q. You opened the house in September? A. Yes, sir.

Q. Then you saw him along the 1st of October? A. Yes, sir.

Q. You saw Brennan? A. Yes, sir; and Farrell; before beginning, I saw Farrell.

Q. The first time, was it both of them that you saw? A. Yes, sir; both of them.

Q. When you gave the \$500? A. Yes, sir.

Q. In October, when you first gave the first \$25, who did you give it to? A. To Farrell.

Q. In the same place? A. Yes, sir; in the same saloon.

Q. In the evening? A. Yes, sir; always in the evening.

Q. Had you seen him before this time? A. Yes, sir; spoke to him on the street.

By Chairman Lexow:

Q. Did they come to your house? A. Mr. Farrell used to come every night, right along.

Q. Inside of the house? A. Yes, sir; he came in and sat with me sometimes and talked, and then he made a disturbance between me and my husband, and I said to Mr. Farrell, "I will close my house; I will not be bothered; I do not want to get myself in any scrape or trouble;" and he said, "You need not be afraid of nobody;" he says, "As long as you will pay me, I will take care of you, and you or your husband need not be afraid of anything."

Q. Was the same captain there during all of this time? A. Yes, sir.

Q. There was no change of captain while you had this house? A. No, sir; there might be a change since I was arrested; I don't know; but not before.

By Mr. Jerome:

Q. When was it you say you first heard about the trouble of shutting up the house? A. November 22d or November 23d.

Q. And up to that time you had paid Farrell and Brennan so much a month? A. Yes, sir; and I paid afterward, as well, because they told me I should not be afraid to keep open my house.

Q. When you heard about this trouble about closing up the house, did you have this talk with Farrell? A. Yes, sir.

Q. Did you close your house up? A. No, sir; he did not allow me to close it; he said not to be afraid, that I should keep it open right along.

Q. Did Farrell have any relation with any of the women in your house? A. Yes, sir.

Q. There was a girl that Farrell used to go to see in your house? A. Yes, sir.

Q. And they used to go together to their room? A. Yes, sir.

Q. When did you close up? A. At the time when I had my arrest; I had my arrest the 10th of February, and I closed it up on the 1st of January, because I thought to myself, I did not want to get into any scrape or trouble, and I had no money, and I saw the money that I made, that it all went away to them, and so I closed it up the 1st of January.

Q. You closed it up before you were arrested? A. Yes, sir.

Q. Did you send your girls away then? A. Yes, sir; but some of them boarded with me, and paid their room money, \$1.50 for a room, but they were not in any bad condition; there was nothing bad about them, so Farrell came up, and I said, "Here, I will pay you that money for the first, only after this I will not pay any more, and I will close up the house, because I have no chance that I will be benefited by the money, or have any use from the money, and I will get myself in trouble and in prison, and I don't want to go to prison for any such simple thing as this.

Q. Well, what— A. Well, excuse me, gentlemen; and he said you need not be afraid; and I said, "Never mind, it is enough, I have made up with my husband, and I will keep no more house, I will close it up;" and after that he raided me.

Q. And you were held to await the action of the court? A. Yes, sir.

Q. Did you see the captain at any time? A. Yes, sir; after I was raided.

By Senator O'Connor:

Q. He raided your house after you had closed up the business? A. Yes, sir.

Q. When were you raided? A. The 10th of February, this year.

By Mr. Jerome:

Q. Where did you see the captain? A. In the station-house; I said after I was raided, I said, "Captain, will you be kind enough to allow me, I have paid out all the money I had, and I am broke, and I want to open it again for a month or so to pick myself up, and have a few dollars;" and he said, "I don't know; I will give you a permit until the first of April; I will give you a permit;" I said, "Thank you," and I walked home.

Q. Who said that, Captain Stephenson? A. I don't know his name; that was the first time I spoke to him was after I was raided.

By Senator O'Connor:

Q. Could you recognize him if you saw him again? A. Yes, sir; he is something like that gentlemen there (pointing to Mr. Moss), with a beard, and a little older or a little younger.

Q. Where is the station-house? A. At the corner of Sheriff street and Second street, in Houston.

Senator O'Connor.— Why not send for the captain of that precinct, Mr. Goff, so that he can be identified.

Mr. Jerome.— We will send for him this afternoon.

Q. Did you open up after that? A. Yes, sir; only the captain said, "You had better, Mrs. Cohen, don't have so free open, be careful a little and see who you let up; don't let up any of Dr. Parkhurst's men;" I said, "You need not take me for a child, I can consider a person, I can consider a workman from an officer," and he said, "All right, you can open up until the first of April."

Q. After you saw the captain and opened up, did you pay any more money to Farrell and Brennan? A. I paid Farrell the most; I didn't pay afterward to Brennan so much; Farrell used to generally come every evening in the house.

Q. How much did you pay after that? A. The same as I did before.

Q. Fifty dollars a month in two payments of \$25 each? A. Yes, sir.

By Senator Bradley:

Q. Farrell, you say, separated you and your husband? A. Yes, sir.

Q. And made trouble between you? A. Yes, sir; because when my husband heard that the racket was going on, he said, "My dear wife, it is not necessary that we should spend such a dirty life, and have no gain, it is better that we should give it up and close it, and not have this place, but take a house and I will go to work," and I said, "All right," and then Mr. Farrell came upstairs and I told him, "I guess we will close," and he says, "Wherever you go, I will make you trouble," and I said, "You can not make trouble if I am going to my husband, back to live a decent life," and he said, "You are a foolish woman, when you can make a dollars and you wont throw it away," and then Mr. Farrell came up and had my husband arrested for false pretense of insulting a woman, which he never did.

Q. Your husband did not get jealous of you? A. No; not in that way; what could he be jealous of, knowing that I am a true woman to him.

Chairman Lexow.—There should be no laughing; this is too serious matter to have any levity about it.

Cross-examination by Mr. Ransom:

Q. How old are you? A. Twenty-eight.

Q. When were you born? A. Eighteen hundred and sixty-six.

Q. Where? A. In Germany.

Q. Where? A. In the city of Berlin.

Q. When did you come to this country? A. I came to this country in 1880.

Q. Were you married when you came here? A. How could I be married when I was not 14 years of age; I was 14 years in this country, and I came here when I was 14 years old.

Q. Then you were not married? A. No.

Q. Have you any children? A. I had; they are dead.

Q. Boys or girls? A. Both.

Q. How long have you been in business keeping a house of prostitution? A. The first time was the 24th of September last, 1893.

Q. And then went into the business of keeping a house of prostitution? A. Yes, sir.

Q. What induced you to undertake that business? A. Because the officers said—if they had not given me the privilege I would not have opened it.

Q. What was your business before you commenced keeping a house of prostitution? A. My husband was an expressman.

Q. What did you do? I was doing my own housework.

Q. In your own home? A. Yes, sir.

Q. Were your children living then? A. No, sir; my children are two years dead.

Q. How many? A. Two.

Q. Have you ever been married more than once? A. Only once, gentlemen.

Q. What is your husband's name? A. Morris Cohen.

Q. Where is he now? A. I could not tell you, you must ask the officers where they chased him away from me to.

Q. How long since you have seen him? A. Six weeks was on Monday; this Monday coming is seven weeks.

Q. You are now in jail as a prisoner? A. Yes, sir; through the officers, too.

Q. The police arrested you? A. Yes, sir.

Q. What police arrested you? A. Farrell and Brennan, and more officers that I don't know.

Q. Were you arrested at your house? A. Yes, sir; in my own house.

Q. Have you been tried? A. No, sir; I was called on and they pushed me into a higher court and I was there two months, and I don't know for what reason.

Q. Before you were arrested were you friendly with Farrell?
A. Yes, sir.

Q. You liked him, did you not? A. I didn't like him for any friendship; I liked him as a friend and paid him money that is all.

Q. Whom did you like for friendship? A. My husband.

Q. And that is the only man? A. That is the only man in my life that I liked and that I will like, gentlemen.

Q. And those girls were prostitutes? A. Yes, sir; they were.

Q. And they paid you some part of their money, did they not?
A. It don't make any difference to you—

Q. Did they pay you part of their money? A. It don't make any difference to you what they did.

Q. You do not care to answer that? A. No, I do not have to tell everybody all my business.

Chairman Lexow.—Just answer any question that counsel may put to you.

Q. Do you know whatever you say here can not be used against you? A. Well, I don't know.

Q. You have been told that by the chairman? A. The chairman says so.

Chairman Lexow.—Answer the question.

A. All right, I will.

Q. How many girls were there with you—they were there doing business as prostitutes, were they not? A. Yes, sir.

Q. Where did you find them? A. There are plenty of women in New York city.

Q. How did you get those girls to come to your house? A. My dear gentlemen, you will find lots of girls yet, the girls know where the houses are.

Q. How did you come to get the first girl? A. I got acquainted with her.

Q. Where did you get acquainted with her? A. I was in a place; and I got acquainted.

Q. Was it in another house of prostitution where you met her?
A. Yes, sir.

Q. Did you know that house? A. Yes, sir.

Q. Had you been in the habit of going there? A. No, sir; only once.

Q. How did you know this girl was there? A. The girl was not far from my house.

Q. You knew that she was in a house of prostitution? A. Yes, sir.

Q. How did you know that? A. Because I knew the girl was there, and I knew the girl from my home.

Q. How did you know it was a house of prostitution? A. I am telling you I met the girl in the street, gentlemen.

Q. Had you ever seen her before? A. Yes, sir; she is from my country.

Q. Do you know when she came here? A. She came in 1886.

Q. Did you know her in your own country? A. Yes, sir.

Q. Was she a good girl then? A. I can not remember; I went away a child.

Mr. Goff.—I object to this line of cross-examination, because it is not calculated to shed any light upon the testimony given by this witness. I can very well comprehend that a learned judge, in a court of law, to affect the jury as to her credibility, might pursue this line of cross-examination, but in an investigation of this kind it is nothing but futile; it can not reach any particular result; it is wasting the time of the committee.

Chairman Lexow.—Come right down to the real facts of the case; we know that she received part of the earnings of this traffic without her answering it.

Mr. Goff.—The worst that can be said of this witness has been said that she kept a house of ill-fame, and, as your honors have said, what worse can be proved against her, and to inquire of this witness as to the virtue of this girl or that girl, or of her own virtue, is not what the committee is here for. It is to inquire as to the bribery in the police department.

Mr. Ransom.—I try to appreciate the benefits of the privilege of the committee; I do not mean to transgress the rule of law or the rule of this committee, but it seems to me that the eloquence of the distinguished gentleman who represents the prosecution here, or the inquiry, if you please, as a better word, that this evidence is the very best justification that I have got for this line of examination; it means that this committee, or any other intelligent body of men, should look into the credibility of this witness' testimony.

Chairman Lexow.—Go on with the testimony.

The Witness.—You can imagine, gentlemen, that I am left just as I am now.

Mr. Ransom.—I will not ask any more questions on that line. Counsel have indorsed the principle of my examination, and I recognize the high authority of the indorsement.

Q. Who was this man that you borrowed the \$500 from? A. Mr. Schlesinger.

Q. What is his business? A. He deals in diamonds and jewelry.

Q. Where is his place of business? A. He lived in 155 Park Row in a cigar store; if you do not believe me I will tell you where you can find his address.

Q. Had you known Mr. Schlesinger for a long time? A. No, sir.

Q. Were you very well acquainted with him? A. No; I got acquainted with him through my husband.

Q. Had your husband been acquainted with him for a long time? A. Yes, sir.

Q. Five hundred dollars is a large sum of money? A. Yes, sir.

Q. And you gave him a mortgage? A. Yes, sir.

Q. Was the mortgage signed by you? A. Yes, sir; by me and my husband.

Q. Who owned the furniture? A. Both of us.

Q. Where did the money come from to buy it? A. The money we got it from before we kept the private house.

Q. You did not buy any new furniture? A. Yes, sir; afterward we did.

Q. Did you use some portion of the \$500 to buy new furniture? A. No, sir; we paid that for protection.

Q. How long was that mortgage to run? A. Until we paid it—\$25 a week.

Q. It was to run until it was paid? A. Yes, sir.

Q. Did you pay \$25 a week? A. Yes, sir; I did when I had the money.

Q. Have you paid it all now? A. No, sir.

Q. You owe some yet? A. Yes, sir; I have not paid because of these officers.

Q. Did Mr. Schlesinger ever ask you for the money? A. Yes, sir; he knows if I had it I would pay it, and if I hadn't it, I could not pay it.

Q. How much do you owe now? A. The very same amount of money I paid him, and then when I was in trouble I borrowed some more.

Q. How much do you owe? A. I paid him dollar for dollar.

Q. How much do you owe? A. One thousand dollars.

Q. You gave a mortgage for \$1,000 and borrowed \$500? A. Yes, sir.

Q. And Schlesinger was a friend of your husband's? A. Yes, sir; just an acquaintance.

Q. Did Schlesinger know what you wanted to do with the money? A. No, sir.

Q. You did not tell him? A. No; I did not.

Q. How did he pay the money over to you; in what way? A. Five hundred dollars in bills.

Q. When? A. On the 29th of September.

Q. Where? A. In his house.

Q. Down here in Park Row? A. Yes, sir.

Q. Who was there? A. Mr. _____ and my husband, and Mrs. Schlesinger and Mr. Schlesinger and his children.

Q. Did she see the money paid? A. I can not say whether she was present or not.

Q. You do not like Brennan and Farrell now, do you? A. I will tell you, I do not intend to do them any harm.

Q. You do not like them, do you? A. I do not like to hurt them.

Q. Do you feel friendly to them? A. Well—

Chairman Lexow.—I do not think any member of this committee would feel friendly to any human being who had treated them as she has been treated.

Mr. Ransom.—That may be so, and I should think so, too.

The Witness.—If they did not hurt me so bad as they did, I would not hurt them.

Q. You would know the captain of this precinct if you saw him, would you? A. Yes, sir.

Q. Describe him? A. He looks something like that gentleman there.

Q. Like Mr. Moss? A. Yes, sir; that gentleman.

Q. He is a good-looking man, then? A. I did not pay any attention to see whether he was good-looking or bad-looking.

Q. How many times did you see him? A. About three times.

Q. It was in the station-house? A. Yes, sir; in the station-house; in his office.

Q. Fix the time? A. In the evening.

Q. Give the day or month? A. I was discharged the first time I was raided, the 12th of March, and on the 13th of March I spoke to him, and then I spoke to him on the 14th of March and a week afterward, the 22d of March, I spoke to him.

Q. And that is all? A. Yes, sir.

Q. You are positive about the date; the 22d of March? A. Yes, sir.

Q. And he told you that he would give you a permit, but you must open the house quietly? A. Yes, sir.

Q. What did he give you—you said a permit; he didn't write anything, did he? A. I call it a permit, if he gave me the privilege.

Q. You do not mean that he gave you any paper? A. No, sir; he gave me the privilege.

Q. Nobody ever gave you a paper? A. No, sir; you do not expect anybody to give a paper for a thing of that kind.

Chairman Lexow.—The sergeant-at-arms will bring Mrs Cohen back here at 2:15 this afternoon.

Recess.

AFTERNOON SESSION

June 6, 1894

The Chairman.— Have you the police captains here?

Mr. Jerome then called for Captain Siebert and Officers Farrell and Brennan.

Mr. Jerome.— We have sent for them and our man has not yet returned.

Lena Cohen resumed the stand.

By Mr. Jerome:

Q. I want to understand this matter right? A. Yes.

Q. You opened your house on the 29th of September? A. Yes.

Q. And you made the first payment on the 20th of October? A. Yes.

Q. And then on the 20th of November? A. Yes?

Q. Did you have the whole amount in November? A. No.

Q. How much did you have then? A. In November I paid \$25; in December I paid \$20; I promised him the 1st of January I will give him \$30.

Q. Did you do so? A. Yes, sir.

Q. And you continued paying up to February when you were raided? A. Yes.

Q. Then you got out on bail? A. On bail.

Q. And your case was dismissed at the Special Sessions? A. The case kept on until the 12th of March; I stood up for trial and was discharged.

Q. It was in February that you saw Captain Siebert? A. In March I seen him; I didn't know him that time; I only knew the ward detectives.

Q. When were you raided the second time? A. The 27th of March; I was only open the 12th of March, and the 27th I was raided.

Q. Then you got out on bail? A. Yes.

Q. When were you arrested again? A. The 6th of April.

Q. Since the 6th of April you have been in the Tombs? A. In the Tombs.

Q. Without any trial? A. Without any trial.

By the Chairman:

Q. Are you held on the charge of keeping a disorderly house?

A. Yes, sir.

Q. That is the only charge against you? A. That is the only charge.

Q. You have been indicted by the grand jury? A. Yes, sir; once I was up there and they asked me questions and I said I was not guilty.

Mr. Ransom.—If the committee think this important then we ought to have the indictment; not the statement of the witness.

Mr. Jerome.—I will procure the indictment and have it here.

By Mr. Jerome:

Q. Did you ever have any conversation with the captain about 127 Pitt street? A. Yes, sir.

Q. What was that conversation? A. I told the captain, "How is it that 127 Pitt street can stay open and my house shall be closed after losing so much money and after paying so much money and being so much in trouble through your own officers?" He says, "Don't ask me that;" he says, "Never mind that;" so then I said, "Captain, I guess, I suppose their capital is of more value than mine;" "Well," he says, "Mrs. Cohen, you can stay until the first of April, and after that you have got to leave the house."

Q. Did you ever have any conversation with him in regard to 244 Second street? A. Every one of them houses I cast them up — "How shall they remain and how shall I close?"

Q. Those houses are open now, or were when you were arrested? A. I don't know if 244 Second street is open or 127 Pitt street is open still.

Q. What was the character of your house; what was the price there? A. Fifty cents.

Cross-examination by Mr. Ransom:

Q. Fifty cents for what? A. When a man went upstairs with a woman.

Q. For the woman to pay you? A. No, not me; the man paid the woman 50 cents.

Q. Fifty cents? A. Yes, sir.

Q. You paid \$500 to the police for protection for that house? A. Yes, sir.

Q. And agreed to pay \$1,000 for the use of \$500? A. Yes, sir.

Q. What rent did you pay for the house? A. Forty dollars a month.

Senator O'Connor.— No wonder she couldn't live.

Senator Bradley.— But she never paid any of the \$500 yet.

Witness.— I owe over \$1,500 debts yet.

Senator Bradley.— She is over \$1,500 in debt now.

By the Chairman:

Q. Have you any property left? A. Nothing; I am left just as you see me here and another calico wrapper; when I was taken from the house the officer didn't give me privilege to take a shawl even; I can prove by the matron that the shawl was brought in by another party at one or two o'clock midnight; two hours after I was raided.

The Chairman.— You had better remain here until the officers have come.

The sergeant-at-arms called out the following names, but received no response: Mr. Jacobs, Bessie Butler and Mr. Morrison.

The committee adjourned to Thursday, June 7, 1894, at 10:30 o'clock.

Proceedings of the twenty-second meeting of the committee, held in the Superior Court, in the County Court House in the city of New York, Thursday, June 7, 1894, at 10:30 a. m.

Present.— Senators Clarence Lexow, Daniel Bradley, Jacob A. Cantor, and George W. Robertson.

John W. Goff, W. Travers Jerome and Frank Moss, of counsel of the investigating committee.

R. De Lancey Nicoll and R. S. Ransom, for the police board.

Chairman Lexow.— Mr. Goff, I notice Judge Roesch is here.

Mr. Goff.— Yes, sir. I just want to refer to a matter first.

Mr. Ransom.— Mr. Chairman and gentlemen, there is a subject that I want to call your attention to just one moment. Yesterday, you may remember, the witness Thatcher, in testifying, said that in some form, it is of no consequence precisely how he put it, that Captain Stephenson was the captain of the precinct where this saloon was located. Now, that captain, Captain Stephenson, very naturally feels annoyed, and as the fact is quite contrary, it should not be published, and stand on the record without some protest from him. At the proper time he desires, of the committee permit, to give proof of the fact that he was not captain of that precinct at the time; he was captain of some other precinct. It is my duty to state at this early moment, that notice shall be given to the counsel, and to the committee.

The Chairman.— I do not understand that Captain Stephenson was implicated by any of the testimony yesterday.

Mr. Ransom.—I am very glad that should be the view, of the testimony, of the committee, but that is not the view of the public, as educated by newspapers, and that is the reason I brought it to your attention. I am very glad you agree with me that he was not implicated.

Chairman Lexow.—He was simply captain of that precinct, and he is not implicated by any testimony of anybody.

George F. Roesch voluntarily takes the stand and, having been duly sworn, testifies as follows:

The Witness.—Gentlemen of the Committee, I wish to state—

The Chairman.—One moment. Before Judge Roesch makes his statement, I would like to call the attention of the witness to the fact that if he presents himself here as a witness, he will become a witness for all purposes, and if he prefers, therefore, to allow the testimony to stand as it is, until it will come in the natural order, he will be regularly subpoenaed, but if he goes on the stand now, of his own volition, he presents himself for all purposes.

The Witness.—I am here, Mr. Chairman, to answer the statements made concerning me thus far, and to answer any other question concerning any other matter which the committee thinks they are here to investigate, which counsel desire to put to me. I wish to state, also, that I am here as a voluntary witness. If you recall, I came here and offered myself as a witness, and I am here without counsel, and am solely answering the questions according to the truth, as I know it, and according to my own judgment, without the aid or advice of any counsel. I wish to say that I have carefully read the testimony given by Mr. and Mrs. Thurow, as printed in the newspapers of this city. Their testimony, in so far as it relates to the payment of any money to me, or to anyone for me, for my use, or for the Tammany Club of the Seventh Assembly district, for the purpose of the alleged police protection, as they have stated it, is false and untrue. I beg leave of the committee to state just exactly what did occur between Mrs. Thurow and myself. I want to say that the transactions were had mainly between Mrs. Thurow and myself.

By the Chairman:

Q. Between Mrs. Thurow and yourself? A. Yes, sir; Mr. Thurow was a drinking man, and throughout the transactions I had with Mrs. Thurow, it was apparent that she was the woman that attended any business concerning her matters; I recall what I am about to state only because of my reading of the news-

papers of her testimony and his testimony, from conversations with my clerk in my office, from examination of my ledger, and in general from refreshing my recollection. I would never have given this matter another thought, because I looked upon it as a business transaction, as being between lawyer and client, if it had not come up in this manner; I can not give in detail every word of every conversation that was had between Mrs. Thurow and myself; but I pretend to give, and can give, only in the main, the substance of the transactions between us; I recall that Mr. Thurow called at the clubroom one night, and said to me, that his wife was in trouble, and wished to see me; I said to him that she could see me at my down-town office in the Stewart building; he asked me when; why, I said, next day; when, what hour; "I am in and out all day long; I can not fix any hour;" my memory is that she testifies that she waited for two weeks in my office for me; she may be right about that for the reason that as political leader of the district I had to go from department to department, police court to police court, and attend to my own practice, and so at one time I was very little in my office; my law practice suffered because of my political work; but I do recall that she was in my office, and she then and there told me that she was being persecuted by the police; she said that Captain Docharty had placed a policeman in front of her house; that the inmates of her house and herself were constantly being arrested, and that she did not know why she should be troubled any more than others because she was running, as she called it, a quiet house; and I recall particularly that she told me that she certainly was not allowing that to be done in her house which had occurred only the previous week in a place in First street, where a sailor had been assaulted and robbed; the conversation was partly English and partly German; it was in the beginning almost all in German; the chairman of the committee understands German, and I would like very much to be permitted to give her language, as soon as I recall it, in German; if not I would give it in English.

The Chairman.— You had better give it in English.

The Witness.— I will give it in English. After she had stated this to me, I said to her, "Mrs. Thurow I am a lawyer and make my living at law, and if you want to engage me you must pay me." She said, "What do you want?" I said, "My retainer for my services will be \$100." She then started to take the money and lay it on my library table, in the other room of my office which I use for a library; as she did so, I called to my brother Charles Roesch to bring a charge slip. I have here the

charge slip, and I will give it to the committee. I have in my office a slip like this:

"Charge Address Fee \$.....
Disbursements \$..... A subject"

Received from Address
On account of above, \$..... Fee \$.....
Disbursements \$....."

On this charge slip I entered the name of the client, the address, the fee that I charged, the subject-matter, the amount I received; now you will notice that there is no space on those charge slips for the date to be filled in. The committee is welcome, and Mr. Goff, to any of those. Now, my brother Charles, who is in my employ in my office, brought me this charge slip in. I filled it out: "Charge Mrs. Thurow, 23 Second avenue, \$100; subject, legal services; subject matter. Just the word above the cross underneath, because I never think it necessary to repeat the name and address again below. This is printed below because, sometimes, I am paid by another man, other than directly by the client. Perhaps it is a mother or father; at any rate I did not read the name and address below. Now, I filled that out and took the money from the table. I gave this charge slip and the money to Mr. Henry A. Peterson, the managing clerk of my office, to enter it in my ledger and put the money in my safe. He puts these charge slips in a drawer, or more generally on a spindle. When they have accumulated in two or three days, or at the end of the week, he makes the entry in the ledger; here is my ledger. Now, gentlemen, I want to say only this. I am perfectly willing that this committee and Mr. Goff should examine this account of Mr. Thurow, or the account of anyone else in this book, whose name is brought into mention in this investigation; but I do think that it is hardly fair to me as a practising lawyer in this city, nor to my clients, who are among some of the best known German people of the east side, that this ledger should be indiscriminately used as regards the others, than those whose names are here mentioned, brought into the public papers; that is all I have to say in regard to that. Now, here you will find an amount on page 317 of my ledger, and entry by Mr. Henry A. Peterson, "1893, legal services, \$100; paid \$100." I want to be perfectly fair with the committee and want them to notice that there is no date on the charge or of the payment; but I want them also to notice that the same condition of affairs exists with regard to other accounts in this book. For instance, the very next account; the one, "Aaron Fox, 109 Columbus street, 1893,

services, \$25; paid, \$25;" that occurs in this way; as I really recollect, I charge the client the sum of money and he pays it right then and there, in cash, on the spot; I do not particularly note the date; but you see that account where the charge is made on one day and the payment is made on another; the instance of George Stromph, 118 East Fourth street, \$25, August 8, 1893; September 6th, \$25 paid; so you see that was a case where I was not paid at the time I made the charge. I was paid afterward.

By Senator O'Connor:

Q. Judge, in what respect does your version of this affair differ from Mrs. Thurow's? A. As I understand it, Mrs. Thurow claims that this money was paid, not to me but to Mr. Faye.

Q. That is a mistake; Mrs. Thurow didn't testify to that; the only difference, as I remember your stories, is that she testified that she knew you as a district leader, and didn't know you as a lawyer; that is all the difference as I see between your stories.

Senator Cantor.—I think she swore she sent the money over to the club by Mr. Faye.

The Chairman.—The principal charge made, as I understand it, was that you then made an appointment with Mr. Thurow at the club, to receive the additional \$50.

Mr. Roesch.—I am going to come to that. Now, then, there was no other money paid by Mrs. Thurow to me nor to anyone for me; I didn't send anyone to Mrs. Thurow for any money; there was no money paid to me nor to anyone else for me at the club; nor was Mr. Thurow at the club to pay me any money; and Mrs. Thurow never was at the club; now I want to say another thing: I noticed a gentleman summoned here this morning, Mr. Charles J. Hesse; Mr. Charles J. Hesse was a client of mine for whom I conducted a case and hearing before the excise board.

By Senator Bradley:

Q. That case has not come up before the committee? A. But they are here and I presume they will come here before the committee.

Chairman Lexow.—I wouldn't forestall that.

The Witness.—Very well, I simply want to forestall those accounts; now, I want to say another thing, gentlemen, before I leave the stand after cross-examination; there is a note in the Sun of Tuesday of this week, in which it is charged that Mr. Charles Steckler has something to do with these matters against me here; I want to say that is absolutely false.

The Chairman.— We do not care about that.

The Witness.— But this I want to say, gentlemen. Last evening about 20 minutes after 6 o'clock, two gentlemen came to my house and told me; one of them — I got their names from them. Mr. Goff is welcome to this paper — one of them, Mr. Weisberger, 339 East Nineteenth street; the other, Julius Fleisch, 12 East Houston street. Mr. Weisberger spoke German; Mr. Fleisch both languages, and Mr. Weisberger said he had in his possession a subpoena given to him by a gentleman in Mr. Goff's office to serve last night on Mrs. Fisher who he said was to appear against me this morning, and Mr. Fleisch asked me what it would be worth to me that that subpoena shouldn't be served, and Mr. Fleisch directly asked me whether I wouldn't authorize him to go to Mrs. Fisher, find out what she could testify against me, and have her testify favorably to me; and he asked me how much I would pay him for that. I cleared them both out of the house and told them if they wanted to see me again in regard to any such conversation; Mr. Weisberger, using the German word compromise, "compromittiren;" Mr. Weisberger said he would give me the name of the man who had the subpoena in Mr. Goff's office, if I would guarantee him that he wouldn't be compromised by him giving away such information.

By Senator Bradley:

Q. Judge, was there any one present during this conversation, between yourselves? A. No, sir; this was entirely in the office portion of the extension to my parlor floor, 50 St. Mark's Place.

By Mr. Goff:

Q. I was interrupted; will you be good enough to repeat the last sentence? A. I say, Mr. Otto Weisberger said to me that he would tell me the name of the party who gave him the summons from your office, if I would guarantee him that he would not be compromised; that is the closest translation I can give to "compromittiren;" I would ask you, gentlemen — Charles Roesch, Henry E. Peterson, and William E. Faye, whom I mentioned in this testimony are here in court; and I will ask you to call those gentlemen, especially Mr. Faye.

By Senator Bradley:

Q. Is that your statement now? A. That is all I recall; I am willing to answer any question Mr. Goff wishes to put.

Cross-examination by Mr. Goff:

Q. Did I understand you correctly, Judge Roesch, that you were here ready to answer any questions which the committee or which counsel might put to you? **A.** Any question that they want to put to me that the committee thinks that I should answer; I will abide by the rulings of the committee.

Q. Whether relating to this matter, touching Mrs. Thurow or any other matter? **A.** Or any other matter; yes, sir; for that reason I brought the ledger.

Q. Of course, Judge, you are aware of the exceptional privilege granted you by this committee? **A.** I am very much obliged to you, and to the committee for it.

Q. Not to me, but to the committee, to your position as a public man of the city, the committee, the committee being but just to you under the circumstances; the book that you have read from here is a book of partnership, isn't it? **A.** No, sir; the partnership books are now in the possession of Mr. John Fennell, my former partner; this book that I have read from is the ledger of the business since the termination of that partnership; the other book I can get by sending across the way to Mr. Fennell.

Q. When did your partnership with Mr. Fennell cease? **A.** I think it was about the 1st of June of last year.

Q. And when did this transaction with Mrs. Thurow occur? **A.** Well, now; as to that, I want to say to you that I have no date about that, except so far as this ledger itself suggests it to me, and judging from this ledger alone, and I have no other means of recalling it, I should say that this transaction occurred in the month of June of last year.

Q. In the month of June of last year? **A.** Yes, sir.

Q. The same month that your partnership ended? **A.** Yes, sir.

Q. Did you open this ledger only after your partnership terminated? **A.** That is an individual ledger of the business of George F. Roesch alone, and that ledger was opened only for my individual business; there is no partnership business in that ledger.

Q. Then you and Mr. Fennell were not in general partnership, as we understand it, in the practice of law? **A.** Oh; yes, we were; we were in the general and full partnership of the law; all moneys that came into the office from any source were divided when the firm of Roesch & Fennell existed.

Q. Didn't you consider this a part of the law business? **A.** The firm did not exist at that time; this was my own law business; this is the ledger of my own law business, not of the firm's law business.

By Senator Bradley:

Q. When was your partnership dissolved? **A.** About the 1st of June.

By Mr. Goff:

Q. I ask you if this book was only opened or commenced by you after your partnership relation has terminated? A. Well, I had no individual book whatever while the partnership existed; everything that came in while the partnership existed, went into the partnership ledgers, but when the partnership was closed up, then that book was opened.

Q. That is what I am trying to get at? A. Yes, sir.

Q. You have no objection to my looking through this book? A. No, sir; not at all; Mr. Peterson, my managing clerk, who is here, and who wrote that book, will help you to look it over when I wish.

Q. When I come to a point I fail, and I can go no farther, I shall be very happy to avail myself of the services of Mr. Petersen; will you please let me have the entry relating to Mrs. Thurow? A. Yes, sir; there it is. (Indicating.)

Q. There is a discrepancy in your statement, Judge, this morning, which, of course, we must take for true, being under oath, and being made by you, that I have, which purports to have been made by you, in the morning newspaper, the World, of June 5th? A. I want to say to you about that, the reporters of the Press, the Herald, the World, the Morning Journal, the Advertiser, and another paper called on me, on Tuesday evening at my residence, and their questions that they asked me I answered without having had any opportunity to look at my ledger, which I did the next day, and without having spoken to any of my clerks, and my memory about the matter was not clear at all.

Q. So that when you said in the World at the time, or said to the reporters at the time, that you uttered the words, "There was absolutely no conversation between us about \$100 or \$130, or any other sum to be paid for alleged police protection. Judge Roesch (with pronounced emphasis), on the other hand, I told her, I could not afford to have anything to do with any such case as hers. I never had such a woman for a client in my life, and I would not then particularly." Did you believe you was speaking the truth when you said that to the reporter? A. Yes; because by that I meant that I never had any case of alleged police protection in my office in my life; I had cases of disorderly houses and the like, frequently, while I have been at the bar.

Q. Here it is in general terms, Judge, "I told her I could not afford to have anything to do with any such case as hers;" now, there is a new sentence? A. Yes.

Q. Not connected with that sentence, "I never had such a woman for a client in my life?" A. Not in that sense.

Q. Now, wait? A. I had —

Q. At the time you were speaking to the reporters you knew the character that Mrs. Thurow was? A. Yes.

Q. And when you said to them, "I never had such a woman for a client in my life," did you believe then what you said? A. I certainly did, because the whole testimony I read in the light of her charge of police protection.

Q. Then do you draw a distinction between a client who seeks the services of a man to procure for her police protection and a client who seeks the services of the lawyer to accomplish the same result to legal means? A. I draw this distinction that when a client comes to me and engages my services as a lawyer, I am to take care of her interests as a lawyer in every way, shape or manner; but a woman would not come to me to engage my services for police protection, because I would not give any such services.

By the Chairman:

Q. But, Mr. Roesch, when you said you never had such a woman for your client in your life, didn't you mean that the newspapers would infer from that that she was not your client or had not been? A. No; I did not.

Q. That particular woman? A. No, sir; I did not.

Q. Is not that the fair inference from that language? A. It would be; but I did not intend it in that sense.

By Mr. Goff:

Q. And did you, further following up the chairman's question, mean to imply that you never had a woman, a keeper of a house of ill-fame, as a client in your life? A. No, sir.

Q. When you said you never had such a woman as a client? A. No, sir.

Q. And that you could not afford particularly to have such a woman? A. No, sir; I meant to emphasize that I did not appear for the woman in any sense for this woman for police protection, as she alleged in her testimony.

By Senator O'Connor:

Q. Judge, let me ask you this: Did she state to you when she saw you, the nature of the difficulties that she was undergoing? A. My recollection is that she said at that time that there were two charges against her house.

Q. Now, she did not tell you, however, that she kept one of these disorderly houses? A. Yes, sir.

Q. And she was being annoyed? A. Yes, she did.

Q. Of course you were the leader of the Tammany Club in that district? A. Yes.

Q. And her husband was a member of your club? A. Yes.

Q. Now, what you want, and what she wanted, was to be let alone? A. Well—

Q. Do you mean to tell the committee you took this retainer for the purpose of securing this result? A. No, sir; I took the retainer as a lawyer; to protect her interests as a lawyer.

Q. Interest in what respect? A. She was to invite me to appear in court whenever she was arrested, or any of her inmates were arrested, and she was, after this time that she paid me the hundred dollars, she was twice again in my office; the third time she was in my office, she told me that her case in Special Sessions had come up, and she had been fined \$50, and I said to her, "Why, didn't you let me know that;" she said she had been told by the police that Senator Roesch was not a criminal lawyer, and Mr. Sullivan had more experience in cases of this kind, and, therefore, she went to Mr. Sullivan.

By the Chairman:

Q. But wasn't one of the causes of complaint that she spoke to you of at the time that the police were posting policemen at her door, and annoying her by that interference? A. That was part of her statement.

Q. And wasn't that retainer paid in part for the purpose of securing the removal of those policemen from her door and preventing that interference? A. No, sir.

By Senator O'Connor:

Q. Didn't she state at that time what Hoch was receiving of her? A. No, sir; she did not mention Hoch's name to me in any shape or manner; she mentioned Captain Docharty's name.

By Senator Bradley:

Q. Did she state there was any charge in court that she was retaining you for? A. My recollection is that she told me that there were charges in Special Sessions against her.

By the Chairman:

Q. Did you go to the Special Sessions, Judge? A. I did not.

Q. Did you answer as an attorney in any of those charges? A. I did not.

By Mr. Goff:

Q. You further say in your interview, reading from it, "This district, is not like some others, Tim Sullivan's for example,

where nothing that appears in the newspapers can influence the voters;" do you remember that? A. I do.

Q. "Such newspapers as the World carry great influence among the voters here;" do you remember that? A. I do.

Q. "There was a great clamor in these newspapers against just such houses as this woman kept;" do you remember that? A. I do.

Q. "And I could not afford, even if I were so minded, to have anything to do with her;" do you remember that? A. I do.

Q. And yet in the face of that statement you could afford to accept \$100 from her for some services? A. As lawyer, I could afford to accept a retainer from any criminal.

Q. But you say, "I can not afford," because you speak of your influence in the district, and your standing there, and by reason of the peculiar elements, in your district, there being susceptible to opinions expressed in newspapers; you say, "on account of the clamor of just such houses as this woman's, I can not afford, even if I were so minded, to have anything to do with her;" what did you mean by that? A. I meant by that simply that I could not, as leader of that district, do anything with the police in the face of public opinion, looking toward protection of her business.

Q. Then, we have here to judge that as George F. Roesch, leader of the Tammany organization in that district, you could not, and did not, have anything to do with this woman? A. That is so.

Q. But, as George F. Roesch, the same individual, a lawyer, you could afford to take a hundred dollars from her to look after her business; is that a fact? A. That is a fact.

Q. So it was a case of Dr. Jekyll and Mr. Hyde, right at the same time? A. I do not think so.

By Mr. Goff:

Q. Now, Judge, you have been in the Legislature? A. Yes, sir.

Q. In the Assembly? A. Yes, sir.

Q. And in the Senate? A. Yes, sir.

Q. And now you are a civil justice? A. Yes, sir.

Q. In the sixth district? A. The fourth.

Q. Fourth district of this city; you have been actively engaged in politics almost since you arrived at maturity, I believe? A. Yes; I delivered my first political speech when I was 16 years old, and ever since I am a voter I have been active in political life.

Q. How many years were you in the Assembly? A. I was in the Assembly in 1883, 1885, 1888 and 1889.

Q. And when did you go to the Senate? A. In 1890 and 1891, 1892 and 1893.

Q. That is two terms in the Senate? A. Two; yes, sir.

Q. When did you become what is known as the leader of your district? A. About April, 1892, I think; it must have been 1891—no it was 1892; let me see; then let me count; just a moment, Mr. Goff, I will try to fix the date; it was 1891; April, 1891.

Q. That you became leader? A. Yes, sir.

Q. Now, as some of the honorable Senators who are not familiar enough with our peculiar Metropolitan ways, would you please describe to them what is a leader, as we understand it in New York? A. Well it is a pretty broad question; I should say a leader of a district was a man who was prominent in the political organization to which he belonged, and who, as member of that political organization, was charged by it with the political fortunes of that organization in a particular district.

By Senator O'Connor:

Q. Let me ask you, right in that connection — of course I may be laboring under a misapprehension, being a hayseed, etc.— what I want to know is, isn't it one of the provinces of the district leader to look after the welfare of the members of his club, and of his party? A. Yes, sir.

By Senator Cantor:

Q. That is true of the Republicans as well as Democrats? A. Yes.

By Senator O'Connor:

Q. That may be; if they are laboring under any kind of difficulty at all, is it not one of the duties of the district leader, for the purpose of conducting his organization and making that solid with the parties, to do what he can to give them aid? A. In every case.

Q. Now, it don't make any difference — will you allow me for a moment; except in the case where the district leader is, or may also be a candidate himself for office, he is apt to be more active in order to make more friends; what I want to get at is this, Judge, you being a district leader, and a practising lawyer at the same time, when a member of your club, or party, got into trouble, where did you draw the line, whether your services were to be rendered as district leader or as lawyer; or were they not so situated you could not render one without rendering the other? A. No; not in all cases; and yet it might be true that in many cases they were so situated that I would be of the opinion that my work was the work of the lawyer, and in fairness I ought to be paid, because I was making my living as lawyer, and not as district leader.

Q. In cases of this kind wouldn't your services be naturally sought for more on account of the position you held in the party than because of your standing at the bar? A. That might be, yes; that might be.

By Senator Cantor:

Q. The same as the Senator is chosen for that purpose in a case? A. Yes; one of the Senators might be chosen to argue a railroad case, or something of that kind; I tell you it is difficult to separate the services; but I think that there was many of the cases of my work as lawyer, should be paid; for instance, if I had to go to a police court and attend an examination during the day.

By Mr. Goff:

Q. Now, Senator, you had quite a clientele among the disorderly houses in your district? A. No, sir.

Q. You have had some clients? A. Yes.

Q. And you have frequently appeared in court for them? A. No; not frequently.

Q. Did you ever appear in court for the keeper of a house of ill-fame in your district, as counsel? A. Yes, sir.

Q. In any case? A. Yes.

Q. Will you name the case? A. Well, I will name it right from my book; the case of Mrs. Fisher, No. 10 Stuyvesant place.

Q. What is your entry there? A. My entry is "1893, July 1, advice, \$200; July blank, paid \$200."

Q. So that the whole expense of your services to Mrs. Fisher consisted of your giving her advice? A. No, sir.

Q. On this day? A. No, sir.

Q. Have you other entries there? A. I haven't other entries there; but I know from my own memory that in that case I went three times to the Essex Market Police Court; it was on a morning—it was of an afternoon; I will not be so positive about the morning, but I know it was the afternoon; the inmates were fined as disorderly persons, and the keeper was held for the action of the grand jury; the grand jury indicted her, and I am to-day under obligation to appear and befriend her.

Q. Do you know where she is? A. I do not, except this address.

Q. You say that last night, some one called upon you and stated that he or they had a subpoena from my office for this Mrs. Fisher? A. Yes, sir.

Q. And wanted to see or learn from you how much it was worth not to serve it? A. Yes, sir; or Mr. Fleisch said, to

go to her and find out from her what she was going to testify to; let me say to you that Mr. Weisberger had said that she was going to testify this morning here; that she had paid me a thousand dollars.

Q. Well, Judge, your reputation is pretty well known in that district? A. Well, a man who has been four times elected to the Assembly, and twice to the Senate, and twice defeated for the Senate, and elected to civil justice ought to be pretty well known.

Q. And is it of frequent occurrence that people come to your house, and ask you how much it is worth to stifle investigations? A. No, sir; never before was there anyone in my house for such a purpose.

Q. This was the first time anyone ever approached you in your life? A. Absolutely the first time.

Q. You say that you cleared them out of your house? A. I told them I could not in anywise be engaged in such a matter; I asked Mr. Weisberger to show me the subpoena, and he refused to do it.

Q. You did not see the subpoena? A. No, sir; I did not.

Q. Judge, you are a lawyer and a judge; don't you know that what this man proposed to you was a crime? A. I do.

Q. Did you take any steps to have them punished for that crime? A. This occurred last night at half-past six o'clock.

Q. Did you take any steps last night? A. None.

Q. You knew that what those men proposed to you was a felony if consummated, didn't you? A. Yes, sir.

Q. And you knew that you were in an embarrassing position to say the least, having your name brought up before this investigation? A. Yes, sir; if you put it that way.

Q. And you knew, to say the least, it was unpleasant? Your name had been brought into unpleasant connection with this investigation? A. Yes; put it that way.

Q. And you had announced your intention of coming before this committee to-day to vindicate yourself from any charges made against you? A. I had.

Q. And you had interviewed the newspapers on the subject? A. No, sir; they had interviewed me.

Q. I accept your correction; with all that, with a recognition of that position which you occupied, you allowed two men to come into your house last night to propose to you the commission of a felony? A. They were in my house when I went there.

Q. You allowed them in your house, and took no steps to protect yourself against the accusation those men made against you? A. What steps could I take; they were in my house; what could I do before they told me their errand.

Q. Suppose they had gone in and proposed to commit a forgery of a check? A. Yes.

Q. Don't you think, as a citizen, as well as a judge, it would have been your duty to go out and call a policeman to arrest the men? A. A good many things we ought to do we do not do, only not to get into publicity or notoriety.

Q. You have already got into publicity or notoriety? A. Yes; before this case I was before the public.

Q. Last night you was before the publicity and notoriety connected with this investigation? A. Yes.

Q. If two men wanted you to give a bribe to keep a witness away from this court to-day, didn't you think, occupying the peculiar position that you did last night, that it was your duty to have those men promptly arrested? A. Don't you think I am doing the right thing to give their names and addresses, and what they said to me, instead of suppressing such a thing?

Q. But, Judge, you were the party affected; I was not the party affected? A. No, I do not say you were; but what more could I do, but do this here?

Q. Did you make any appointment with them? A. I did not; I told them—

Q. Wait a while; you told them, you say, you would have nothing to do with the business? A. Exactly.

Q. And you cleared them out? A. I did.

Q. And that is the last you saw of them or heard of them? A. I have not seen or heard from them in any way, shape or manner.

Q. You made no appointment with them for a subsequent interview, did you? A. No, sir; I will tell you what I said to him; I had not had any dinner; I wanted to go downstairs and get dinner; it was 10 minutes of 7, and at 8 o'clock, I would have clients calling, and if they wanted to speak to me any further about this matter, they should call about half-past 8 o'clock.

Q. That is, if they wanted to speak to you any further about the proposed bribery, they could hold a subsequent meeting with you? A. No; not at all; not in that way at all, for this reason: I wanted to get from them all the particulars I could possibly in order to expose them here this morning; that is what I wanted to do.

The Witness.—That is Mr. Fleisch.

Q. Is that the man? A. That is the man that gave me his name as Julius Fleisch, of 12 East Houston street.

Mr. Goff.—You see, Mr. Chairman, we have heretofore had some difficulty in our witnesses getting into court by reason of the crowd at the doors; when they come to the bar, there is no possible chance of their getting their subpoenas; I wish you would speak to the sergeant-at-arms.

The Chairman.—After the recess, the well there ought not to be crowded; nobody ought to be admitted inside of that well.

The Witness.—That is the man that asked me—said to me that he came to me because he heard I was educated in Vienna and attended the Vienna University; and I told him I never was in Vienna in my life, but I had a good many friends among Vienna people, and some might think I was from Vienna, on account of my German accent.

Q. You have got the fact; you recognize this man; we have got the fact you made an appointment with him to come back at half-past 8 o'clock? A. I told him to come back at half-past 8 o'clock, because I wanted to get—

Q. I am not asking for the cause, Judge; I simply want the fact before this committee; after this man and his companion had proposed to you to buy this Mrs. Fisher off to keep her away from this committee this morning, and after you said you cleared them out, you asked them to come back again, at half-past 8 o'clock, did you, or did you not? A. No; not after; before I had cleared them out.

Q. Did you countermand your invitation to call back at half-past 8 o'clock? A. No; I can not say I did.

Q. Do you wish to be understood, Judge, as saying you first made your appointment with them to come back at half-past 8 o'clock and after that you had conversation with them, suggesting a purchasing of or buying up Mrs. Fisher? A. No; after that; after I said to them I wanted to go downstairs to get dinner, and they should come back at half-past 8 o'clock, Mr. Fleisch said to me, what was it worth to me to go to Mrs. Fisher and find out from her what she was going to testify against me, and have her testify favorably, and then I cleared them out.

By Mr. Goff:

Q. Let us be fair on the record here; you stated but a moment ago, in answer to my question, that after they told you what their business was that you told them to come back, because you had other clients coming there at half-past 8 o'clock; do you so swear or not? A. If I did say that, I want to be understood as saying that I said to them to come back at half-past 8 o'clock before they began with me about this \$1,000 or about what it was worth not to subpoena her, or to find out what she could testify to.

By the Chairman:

Q. Didn't you say that you expected after they left—that you expected they would be back at half-past 8 o'clock?

By Mr. Goff:

Q. And to get all the information you could from them on the subject? A. Yes; I certainly did; because I wanted to tell the committee all I could this morning.

Q. Before you made the appointment with them at half-past 8 o'clock, you must have known the subject they called upon? A. Yes, sir; I did know the subject.

Q. After you knew these men had proposed an act of bribery to you, a felony, you made an appointment with them for half-past 8 o'clock to get further particulars? A. Only in the sense —

Q. I do not care about the sense; did you, or did you not? A. Do what?

Senator Bradley.—He testified to that already.

Mr. Goff.—I want the Judge to place himself clear on the record.

Q. After these men came to you and told you or asked you how much money it would be worth, or suggested to you to pay money to keep this Mrs. Fisher away to-day, you made an appointment with them to return to your house at half-past 8 o'clock for the purpose of obtaining further information on the subject? A. Which I wanted to disclose here.

Q. And wanted to disclose here?

• By Senator O'Connor:

Q. Do you answer the question, yes? A. Yes, sir.

By Mr. Goff:

Q. In connection with this Mrs. Fisher, haven't you been going around your district since the first disclosures here by Mrs. Thurow, on last Friday, soliciting people to keep away from this investigation? A. No, sir; not a single one; I have been discharging my judicial duties and my work in the office and have been home all the time.

Q. You have not been discharging your duties at night? A. No, sir; I have been at home.

Q. Have you been around your district, or spoken to any person from whom you received a retainer for any services not to come here before this investigating committee? A. No, sir; I have not.

Q. You swear to that? A. I swear to that positively.

Q. Neither houses of assignation, disorderly houses, or liquor dealers? A. No, sir; and the insinuation is infamous, sir; I say no, with all the emphasis of my life.

The Chairman.—Mr. Roesch, we will draw conclusions; don't you draw them.

Q. I just want to ask you a few questions about Mrs. Thurow; did you ever see Mrs. Thurow but once? A. I know I saw her in all three or four times; I think three times.

Q. All about this \$100 transaction? A. All about the \$100 transaction, which covered the only thing that I ever had with her.

Q. Did you ever see her before you received a hundred dollars from her? A. No, sir; I did not.

Q. Now, you received this \$100; did you give her a receipt? A. I don't recall whether I did or not.

Q. Did you ever appear in court for her? A. I did not.

Q. Did you ever draw a paper for her? A. I did not.

Q. Did you ever do a legal act for her, as an attorney? A. Do you mean to say, Mr. Goff —

Q. Never mind what I mean to say, sir; I am asking you; you are here as a witness? A. No, sir.

Q. You never did a legal act as attorney at law for Mrs. Thurow? A. Except I gave her services in my advice.

Q. What were the services you gave her? A. She came to my office and was there 10 or 15 minutes, and told me her whole case.

Q. And the facts of her case were that she was keeping a disorderly house? A. Yes; so she said.

Q. Well, I am taking her statement now? A. Yes, sir.

Q. You, acting in that confidential capacity, believed her, that she was keeping a disorderly house? A. Well, she was a client, and told me that.

Q. You believed that? A. Yes, sir.

By the Chairman:

Q. You believed that? A. Yes, sir.

By Mr. Goff:

Q. And you knew the keeper of a disorderly house was a person who was violating the law? A. That is true.

Q. This woman came to you an acknowledged violator of the law, and what services did she seek from you, being an acknowledged violator of the law? A. Why, she sought from me the protection as counsel, if she were arrested or indicted or troubled in court.

Q. She sought from you protection as counsel, if she were arrested, indicted or troubled in court? A. Yes, sir.

Q. And this \$100, this was a retainer, really? A. Yes, sir.

Q. A retainer, that is how we have got it; was there anything said by her about the trouble she had in bailing out her girls? A. Yes; she spoke about the trouble in this way, that she said bondsmen were not always accepted by the sergeant.

Q. Did she say she had trouble in being accepted as bondsman? A. No; I do not recall that.

Q. Did you advise her in that relation about getting her girls out of the station-house? A. As political leader, I did, frequently go to the station-house myself to bail out persons, and identify bonds—to identify bondsmen.

Q. Was your advice to her upon that phase of the question the advice of the political leader, or of the lawyer, which? A. Why, entirely as a lawyer.

Q. What advice did you give her?

By the Chairman:

Q. Do you mean to say you advised as a lawyer, and acted as a political leader, in carrying out your advice? A. Mr. Chairman, I was a lawyer, and I was also a political leader at the same time.

Q. And can you now, before the Senate committee, draw the line between the political leader and the lawyer in your transactions with Mrs. Thurrow? A. I think, where she came to my law office—

Q. Never mind about the location of the law office; did you act with her solely as a lawyer or partly as a political leader? A. Solely as a lawyer.

Q. Did you ever tell her to use your name in the station-house? A. I do not recall that I did.

Q. You remember the conversion now; have you refreshed your memory since she has testified? A. No; I do not remember all of it.

Q. Did you ever tell her to use your name in the station-house if she had any trouble in getting her girls out, and she could get her girls out? A. I do not recall whether I did or not.

Q. Will you swear you did not? A. I say I do not recall whether I did or not.

Q. That is an element of the advice you gave her for this \$100? A. No; the element of the advice was that I was to be notified, so I could go to the station-house.

Q. Then this consultation with you about girls being in the station-house, and her trouble in bailing them out, was not with you as a lawyer. A. Certainly it was to me as a lawyer.

Q. And then you advised her on that subject? A. Yes, sir.

Q. What did you advise her? A. To notify me so I could go there and identify the bondsmen.

Q. What bondsmen? A. The bondsmen which my client and I might know.

Q. And you regard going to the police station-house and iden-

tifying bondsmen for street-walkers as part of the duty of a lawyer to a client? A. Certainly, where the woman is a client of counsel.

Q. And this was a general retainer to counsel for her disorderly house as a retainer? A. It was a general retainer.

Q. A general retainer to act for her and her girls; and I ask you if you did not say to her to mention your name at the station-house and it would be all right? A. That I can not recall; that is the best answer I can make.

Q. You will not deny you told her that? A. I have no recollection on that subject.

Q. Suppose I hand you this slip of paper; will that refresh your memory a little? A. Yes. If it will; yes, that is my handwriting.

Q. That is your handwriting? A. Yes, sir.

Q. Didn't you give that slip of paper to her and write your name upon it to give to the sergeant at the station-house at any time her girls would be arrested? A. Now that you show me that paper, that is my signature, and I have no doubt I gave her that paper.

Q. For that purpose? A. I would not say for what purpose.

Q. For what purpose? A. Well, for the purpose of enabling her to have her bondsman accepted at the station-house.

Q. Whose handwriting is this on the back of that? A. That I don't know; that is not mine; I do not know that handwriting; it is not mine.

Q. Did you give this slip of paper to anyone? A. That I do not recall.

Q. Did you ever go to the station-house to take out girls of her's? A. No, sir.

Q. You say you never went to police court or a court of record in reference to this Mrs. Thurow? A. No, sir.

Q. Why did you send your secretary, Faye, down to her house? A. I did not send him.

Q. Did you know he went there? A. No, sir; I did not.

Q. Do you know he accompanied her husband to your house? A. No, sir.

Q. To your office? A. I know he did not.

Q. To your clubhouse? A. No, sir he did not.

Q. Mrs. Thurow has testified here that Mr. Faye, the secretary of your Tammany Club in that district, went to her house to tell he husband that you wanted to see her husband at the clubhouse. A. All I can say to that is that I never gave Mr. Faye any instructions to go to Mrs. Thurow or anybody else.

Q. Where did you receive this money? A. In my office, in the library room of my office.

Q. Which office? A. No. 280 Broadway.

Q. No. 280 Broadway? A. Yes, sir.

Q. The first time that Mrs. Thurow visited you? A. That is my recollection.

Q. In company with her husband? A. I don't know whether he was there or not; I mean I do not recall whether he was there or not.

Q. Is it not a fact that the first time Mrs. Thurow went to your office that she did not pay you any money? A. No, sir; that is not a fact.

Q. In your office? A. No, sir; that is not a fact.

Q. Where did you keep this book? A. This book? well, this book was kept during the day as a general thing on Mr. Peterson's desk, and at night it was locked up in the safe.

Q. Let me look at that entry again, please, Senator. A. Yes, sir.

Q. Where is that, Senator? A. Three hundred and seventeen I think, Mr. Goff.

Q. Three hundred and seventeen; yes; whose handwriting is this entry in? A. Mr. Henry A. Peterson's.

Q. Judge, why was not this book, if you opened it for your private business, after the separation with Mr. Fennel, why didn't you commence to open the accounts in the ordinary numerical way of the pages? A. I don't know; I did not enter in that book; Mr. Peterson can best tell you that.

Q. You are a lawyer, and I am dealing now with you, and not Mr. Peterson; how is it you commence at page 315 in your book to make your entries, if it was a new book opened by you after a separation from Mr. Fennel? A. The only answer I can make to you is that I did not commence that, for I made no entries in that book.

Q. It was made under your supervision? A. Not more under my supervision than the book was paid for by me as member of the firm.

Q. You mean to say you kept no track of the entries in this book? A. I would occasionally, as every lawyer does, look over the books, but I would not stand alongside of Mr. Peterson and direct him just how to enter the things.

Q. Can you give any explanation of the question I asked that these entries were commenced on the book at page 313, and not an entry in that book charged on any previous page? A. No, sir; I can not; except this, Mr. Goff, that that ledger, my memory is, was a brand new ledger that was in the office, and Mr. Peterson commenced it; I have no explanation to give.

Q. No explanation to give? A. I do not know why it was commenced on the page you mention, or on any other.

Q. Now, you have shown here a most remarkable aptitude for business details by exhibiting charge slips to the committee? A. Well, Mr. Goff —

Q. Will you please pardon me — which I think is sufficient to paralyze every lawyer in the room with the manner of carrying on his business? A. I am not to be given the credit; those charge slips are the invention of Mr. John Fennel; during the existence of the partnership he thought that would be the best way of keeping those accounts.

Q. Judge Ransom said to me it was a surprise to him that any lawyer should have that methodical method? A. Mr. John Fennel is a very methodical lawyer, and a good lawyer.

Q. You kept up the practice he initiated? A. I tried to.

Q. And you kept up the use of these charges? A. Yes.

Q. And your custom in relation in these charge slips is what? A. I have, Mr. Goff, only to illustrate; I brought a charge slip with me, which is filled out in Mr. Peterson's handwriting.

Q. Which was filled out in the last two weeks that you brought the charge slips relating to Mrs. Thurow? A. No; we did not keep these charge slips; when they are entered in the book as a rule they are destroyed.

Q. Who was present when this \$100 was paid? A. Why, when the \$100 was paid out by her on my library table, I called for my brother, Charles Roesch, to bring in a charge slip and my memory now is that there was no one else present but she and I, although he saw the money on the table.

Q. You had this book there then, did you? A. No, sir.

Q. But you had charge slips in your house? A. No; this was not in my house; this was in my office, down-town.

Q. Was it not just as easy to send for this book, to take this book and enter the charge of receiving \$100, as to send for the charge slips and make an entry on the charge slip? A. No, sir; because that book is a large book and is a ledger, and to enter that in the ledger you must enter it in the account portion and to put it in the index, and it is an easier way to enter it on the charge slip and give it to Mr. Peterson and in due course of business he enters it on the books; I can not begin to enter all these items myself.

Q. For a lawyer — I find here — considering the great amount of business that you have done that involves the use of charge slips in a lawyer's office — I find that from the first entry on this page 313 to 343, that is 30 pages, there are three entries on each page, that is 90 cases? A. No; those are in all cases.

Q. But they are fees? A. They are fees; yes, sir.

Q. Here is a period of time running up to May, 1894, from last

June; there are 90 cases that you have received fees for? A. No.

Q. Is your business of such a volume that you have to have these cash slips and charge slips in order to transfer accounts from slips to your books? A. I can not say it is, but these charge slips are in the office, and we continued to use them right along.

Q. I find here—now, as a matter of fact, has not this book been written up since this committee took up the case of Thurow? A. No, sir; I tell you it is infamous to intimate such a thing as that.

Q. Just answer the question? A. I say, no; Mr. Peterson is here in court, and will tell you when those entries were made.

Q. That is about the twentieth time you have referred to Mr. Peterson? A. Because he made the entries in the book.

Q. I don't dispute that; I ask you the fact, if those 30 pages at the end of that book have not been written up since the investigating committee commenced?

Senator Bradley.—Just answer the question. A. I answer you no.

Senator Bradley.—Don't get excited; there will be no white-washing here.

The Chairman.—There must be no applause or disapproval shown of a statement of either of a member of the committee or otherwise.

By Mr. Goff:

Q. Now, either as leader of your district, or as lawyer, you have had considerable influence, Judge Roesch, in procuring appointments of men in the public service? A. Well, I have not had as much as I ought to have had.

Q. You exercised a good deal? A. I thank you for saying so.

Q. For instance, Commissioner Martin testified he transferred a sergeant at your request, Sergeant Schryer? A. Transferred him at my request?

Q. That is Commissioner Martin's testimony before this committee. A. If he testified so that is the case.

Q. Do you remember the case? A. No, sir.

Q. Are they so numerous you can not remember? A. No, sir.

Q. Do you know the sergeant? A. Yes, sir; I know him, too.

Q. Do you know the cause of that transfer? A. No, sir.

Q. You remember the transfer? A. Yes, sir.

Q. Where was the transfer made to or from? A. I think Sergeant Schryer was in the Fifth street station, and was transferred from the Fifth street station to Oak street, but I would not be positive about that.

Q. At your request? A. I do not know whether it was done at my request or not; but if Commissioner Martin says so, then it is so.

Q. And it was because Sergeant Schryer had made himself politically obnoxious in your district? A. No, sir.

Q. Why did you ask for his transfer? A. Because others wanted his place.

Q. Who other wanted his place? A. I do not now recall who wanted his place, but there was no one put in his place.

Q. But you were requested to do it? A. If Commissioner Martin says he transferred him at my request, then it is true.

Q. He has sworn it so; is that any reason that you should have a police sergeant transferred from one precinct to another? A. I will tell you; when a man comes to me and wants to get an appointment or transfer, or anything like that, I never stop to consider who is in the place he wants to go to, but my object is to get him there; necessarily, somebody has got to get out of the way, and here it happened to be Sergeant Schryer.

The Chairman.—There must be no laughter.

Q. So your policy and practice has been, Judge Roesch, to comply with the request of your friends; you ruthlessly remove anybody out of the way who is in the place? A. Whenever a friend of mine or organization man asks me to do a favor I try to do it.

Q. You try to do that favor by interfering with the discipline and management of the police force of this city? A. I do not think so; if you think that is the result, have it that way; I wont dispute it.

Q. Do you think the interference of a citizen to go and insist to remove or transfer a police sergeant who may have been competent and faithful in the discharge of his duty to another precinct either to satisfy political necessity or to make room for a political favor—do you consider that it is proper for a public man to do? A. That is for the commissioners to decide; I make the question, I do not undertake to rule the force.

Q. But you did undertake to move the force? A. If I can get a friend of mine on the force, or get him a promotion or position on the force, I always try to do it.

Q. But yet when you say you leave that to the police commissioners to determine do you accept the responsibility to request the police commissioners to do it? A. I never have made any such requests on the police commissioners unless I have been satisfied in my own mind that the favor done was to one worthy and competent.

Q. And without inquiring whether or not the man who is going to suffer by the removal, who was to suffer? A. That was none of my business; it was sufficient for me to know the man they appointed to that place was competent and worthy of it, was a friend or party organization.

By Senator Cantor:

Q. You made the application and the commissioners decided it? A. Yes, sir; the commissioners decided it.

By Senator O'Connor:

Q. Do you know of any way by which an officer or policeman can be maintained in his position without political influence or Tammany? A. Yes, sir.

Q. How? A. Oh, there is many men on the force to-day who won his appointment; won through the civil service and has won his promotion.

The Chairman.—Those cases are few and far between.

Senator Cantor.—No; they are not.

By Senator O'Connor:

Q. Undoubtedly, the interferences you have testified to here, is but a specimen of the numerous interferences of that kind? A. Well, I think that every political leader in this city.—

Q. No; answer that question? A. Yes; I think that is so.

Q. And the police force of the city of New York and the members of it are constantly subjected to that kind of influence? A. Well, I think, more or less, that is true.

Q. A political leader or a man holding a high position here in the city regardless entirely of the merits of the man whom he seeks to remove, when requested by one of his friends, political friends, to secure his position that leader has everything in his power to bring about that result? A. For his friend.

By Chairman Lexow:

Q. Do you understand that every Tammany Hall district leader does that in this city? A. I don't know what they do.

By Senator Cantor:

Q. You understand the Republican leaders do the same thing? A. Why, certainly; both parties.

By Mr. Goff:

Q. Now we have it that both parties do it? A. Certainly.

Q. Only that the Republican leaders do not have a pull? A. Well, Republican leaders are not in the majority; New York city is more a Democratic city.

By Senator O'Connor:

Q. Between the leaders of both parties, the force suffers; is that it; that's about the size of it? A. I believe, if this political

influence, if you will call it that way, were entirely removed, absolutely, if it could be, from the police department, necessarily, the force would be better, all the way through.

By Senator Cantor:

Q. That is true, and every police force throughout the world?

A. Yes, sir.

By Mr. Goff:

Q. And it is perfectly true of Roundsman Joe Brown; do you remember Joe Brown? A. Yes, sir; not Joe Brown, Jake Brown.

Q. Well, change the letter and give it Jake Brown; of course, you believe in the efficiency of the police department? A. I do; and men being promoted for proper service, and Jake Brown was an efficient and competent officer.

Q. And you made him sergeant? A. No, sir.

Q. You mean to say you did not interfere to make him sergeant? A. Yes, sir; he was not made sergeant while I was a leader; that is so; I have got to tell you he was made sergeant when I was not a leader.

Q. Didn't you exert yourself to make him sergeant? A. While I was a leader I did; when I was no longer a leader I didn't.

Q. You greased the machinery while you were in command? A. I did everything I could while I was leader to make Roundsman Brown a sergeant.

Q. Didn't you know that he was specially detailed; did you know when he was specially detailed in connection with your chowder excursion? A. No, sir.

Q. Don't you know you had him specially detailed? A. No, sir.

Q. Will you swear you didn't have him specially detailed at your excursion? A. I will.

Q. Will you swear he didn't go around your district selling tickets for \$5 a ticket for your chowder party? A. That I don't know anything about.

Q. Will you swear, to your knowledge, he didn't? A. I will swear, to my knowledge, that he didn't.

Q. Will you swear you, being a leader of that district, that Jake Brown didn't go around selling your chowder tickets at \$5 a ticket to the saloon-dealers in the district? A. I will swear, to my personal knowledge, he didn't.

Q. Don't you know, as a matter of fact, he did; what is your information on the subject? A. The best information I can say as to that is that common rumor in the district was that Mr. Brown, he was no sergeant—

Q. He was roundsman? A. Was selling chowder tickets.

By Senator O'Connor.—How much chowder did you give them for \$5? A. We gave them a good time.

By Mr. Goff:

Q. Senator, wasn't it common rumor, also, that in consideration for his services in selling chowder tickets for your party and other services for your club he would be made a sergeant? A. No, sir.

Q. Will you swear there was never any conversation between you and Brown on that subject? A. On what subject?

Q. On the subject of his preferment? A. Oh, no; I won't swear that, because Mr. Brown often came to me and asked me wouldn't I please do all I could to make him a sergeant; he frequently did that.

Q. And that was before he went out selling your tickets or after? A. That I don't know; that was for a period of two years, Senators; shortly after I was made a leader he was anxious to become a sergeant.

Q. By the way, this chowder was given by your political club? A. Yes, sir.

Q. And do you know how much it netted? A. I do not.

Q. Didn't you keep any account? A. No, sir; I didn't; there was a treasurer for that.

Q. Who was that treasurer? A. Joe Roesch.

Q. Your brother? A. Yes, sir.

Q. Didn't you know as matter of fact there was \$5,500 collected from the houses of prostitution and liquor dealers for tickets? A. No, sir; and that is absolutely false.

Q. You say you didn't keep count and you don't know; how can you say there was not \$5,500 collected? A. Because there is no such sum ever spoken of or mentioned or heard of.

Q. Was there no sum spoken of, or mentioned or heard of? A. No, sir.

Q. Was there ever an account rendered? A. That I do not recall.

Q. You were president of the whole combination? A. I was leader of the district.

Q. Was there any account rendered and the amount received from the sale of tickets for the chowder party? A. I do not recall.

Q. Did you ever ask for an account? A. No, sir.

Q. Did you ever hear an account asked for? A. Not that I now recall.

By Chairman Lexow:

Q. What became of the fund?

By Mr. Goff:

Q. What became of that fund, anyway; to use the Senator's expression? A. The fund was used to pay for the boat, the grounds, the music, the fireworks, and then as the boys went on board when the boat left the dock they got each five cigars; I think they got badges, and money was spent in that way.

By Chairman Lexow:

Q. How many people were on the excursion? A. I can't say.

Q. About; approximately? A. And there was lager beer, Senator.

By Mr. Goff:

Q. Can you tell the ages and the sex? A. They were all grown men and I should think—well, a good many, I can best say to the best of my recollection there was between 900 and 1,000 dinners paid for to the proprietors of the grounds.

Q. Do you know how many police were on that excursion? A. No, sir; I do not.

Q. Don't you know the police of that precinct sold tickets for that excursion? A. Except in the case of Roundsman Brown, of others I do not know.

Q. But you don't know he did sell tickets? A. By common rumor; I never was with him, and never saw him sell them.

Q. I don't say you went around with him, but as a matter of fact after your stepping down from the leadership, Judge Roesch, wasn't there trouble in your organization about the demand made upon you in the accounting of those moneys received by you? A. No, sir.

Q. Do you mean to say that neither Martin nor Mr. Mitchell have said anything about starting the Tammany organization in your district with only \$100 in the treasury after all the money collected by you? A. No, sir.

Q. You will swear there has been nothing said about it? A. Nothing said about it to me.

Q. Is this the first you have heard of it? A. The first I have heard of Mr. Martin or Mitchell claiming \$100 or anything of that kind.

Q. Don't qualify; is this the first time you have heard that the leaders of Tammany Hall organization in the Seventh Assembly

district who succeeded you have not found fault with the treasurer of that organization? A. Yes, sir; I have.

Q. This is the first? A. I do not know what the object of your questions are, Mr. Goff, but I will answer your questions right along.

Q. That's right; is it not a matter of fact that you claim —

By Chairman Lexow:

Q. I would like to ask you one more question in reference to political facts; did you consider it was part of your duty as a political leader in that district to interfere with securing the promotions and appointments of the police officers in that district? A. It was my duty as political leader to get appointments and promotions for anyone who was a member of my party or organization and would benefit our cause.

Q. You understood me, didn't you, to mean this: was it part of the unwritten law of your organization that you were there for that purpose; that was one of the objects in electing you as leader of that district? A. Yes; you may put it so, because it was my duty in every direction to further and promote the interests of the organization.

By Mr. Goff:

Q. Were you in the Senate when you were a leader? A. I was; yes, sir; I was during one time.

Q. You say there were 1,000 people that sat down to the dinner; how much was the dinner? A. I would not be positive; I do not know how much the dinner was.

Q. That would amount to \$5,000; 1,000 people at \$5 a head? A. There would be that much going out for the table.

By the Chairman:

Q. The question is whether \$5,000 was collected by the sale of tickets? A. That I don't know.

Q. Did that excursion cost in your judgment, cost from what you saw there, about \$5,000? A. I could not say.

Q. Would you say \$5,000 was an exorbitant price for an excursion of that kind? A. No; I would not say that.

By Mr. Goff:

Q. Do you remember Hirsch, saloonkeeper at Second avenue and First street? A. Hirsch?

Q. Yes; Hirsch? A. I do not recall the name now, but there is a saloon —

Q. Don't you remember him returning to you five tickets for your excursion? A. No, sir; I do not remember it now.

Q. Let's see if we can refresh your memory; do you remember writing to him about them? A. I may have done that.

Q. Do you remember him writing to you telling you he had already taken five tickets from Brown and he could not afford to take five more tickets? A. No; I do not recall that now.

Q. You don't recall that now? A. No.

Q. Do you remember what you wrote to him? A. No; I do not.

Q. But you are reasonably certain you did write to him? A. I could not say that now; if I did, bring a letter and I will tell you whether it is mine or not.

Q. If you were the controlling officer, each \$5 chowder ticket — if you were not the controlling officer, how did you come to send back his tickets and write to him about them? A. I could not say now.

Q. You know Ike Herschorn, don't you? A. Yes, sir.

Q. That kept in Florence? A. Yes, sir.

Q. You recollect it now? Do you remember writing to him: "You had better keep them, if you know what is good for you," and returning to him the five tickets, and you sent back to him? A. No, sir; I don't.

Q. Will you swear you don't? A. No; I will not.

Q. And at the time he wrote back to you he told you he had already bought five tickets from the roundsman and paid \$25 for them? A. That I do not recollect.

Q. Don't you know as a fact, and I ask you under your oath if you can deny it, that you sent your tickets to every saloon-keeper in your district? A. The tickets are sent to every man whose name was on the books as member of the Tammany Club.

Q. And the name of every saloon-keeper was on the books as member of the Tammany Club? A. No, sir.

Q. And the names and the keepers of many houses of prostitution? A. There was no name of Republican saloon-keepers on our books.

Q. Now, speaking about saloon-keepers, I will refer to that in a moment; was the name and the keepers of the houses of prostitution on the books? A. No; not to my knowledge.

Q. What about Mr. Thurow? A. Mr. Thurow was on the books, but I didn't know Mr. Thurow was a keeper of any house of ill-fame, and I don't know Mr. Thurow's name was on the books of the club; I didn't know Mr. Thurow is a member of the club at all.

Q. He had his tickets, and he visited you at the club-house? A. A great many people come to the club who were not members, and a great many men had tickets of the club that I never saw; the club consists of some 1,200 to 1,400 men at the time.

Q. Did you say about the saloon-keepers that there were no keepers of saloons who were members of your organization except Democrats; did I understand you correctly? A. I think that was the rule right along.

Q. But there were exceptions? A. I don't recall any now.

Q. Now, do you remember going into the saloon at the corner of First avenue and Second street one Sunday night with the ward man? A. Yes, sir; very clearly.

Q. Did you ever go into that saloon in your district in company with the ward man? A. No, sir; I did not.

Q. Clear about that? A. Very clear.

Q. Did you ever go into the saloon at the corner of First avenue and Second street in May, 1893, in company with John Hoch, the ward man? A. I did not.

Q. Will you swear to that? I will.

Q. Don't you know that on your request, and by your direction, Hoch arrested Henry Bleyer, the proprietor of that saloon? A. No, sir.

Q. Do you know if he was ever arrested? A. Mr. Bleyer was arrested two or three times by the police.

Q. Had you anything to do with his arrest? A. Not in any sense.

Q. Did you know of his arrest? A. No, sir; not until the newspaper reported him arrested.

Q. That is the first knowledge of it; of his arrest? A. Yes, sir.

Q. Did you know Hoch arrested him? A. I did not.

Q. Did you ever visit Bleyer's saloon? A. He was a client of mine, and I have drawn chattel mortgages for him.

Q. You have visited his saloon? A. I may have been there.

Q. Did you know Mr. Bleyer was the officer of some German Saloon-keepers' Association? A. No, sir; I know what association you allude to.

Q. Give us the name you allude to? A. The Vertscheutz Verein Saloon-keepers' Association.

Q. The saloon-keepers' association? A. Yes.

Q. How much did the saloon-keepers' association pay for admission to Tammany Hall? A. I do not know.

Q. What? A. I do not know.

Q. Did they pay anything? A. The association?

Q. Or apply for admission after the arrest? A. Yes.

Q. Could they have paid it without your knowledge? A. Yes; they could have paid it to the treasurer in my district.

Q. And, as leader of the district, you mean to say a body of German saloon-keepers could pay a lot of money as initiation fee into Tammany Hall without your knowing it? A. That is pos-

sible; I had enough work, on account of running around looking for patronage and the like; I never troubled myself in keeping books of account.

Q. But you were responsible there for moneys received there as lender? A. Why, I was responsible in this way; that I was supposed to know in a general way what was going on, in every direction.

Q. Do you mean to tell us here that such an influential body of men in your district as this Verein, could pay a certain sum of money into your district, without your knowing it? A. Yes; they could do it, just the same as a man could join the club night after night, and pay their initiation fee without my knowing anything about it.

Q. Did you know Bleyer was arrested twice on your instigation? A. No, sir.

Q. Did you tell him in his saloon after his second arrest if he joined Tammany Hall that there would be no trouble about him? A. No, sir.

Q. Will you swear to it positively? A. I do.

Q. Without any mental reservation, as Senator Bradley would say? A. Without any mental reservation.

Q. Do you remember going into Bleyer's saloon one night and treating all hands in the saloon and tell him as soon as he joins Tammany his arrests would cease? A. No, sir; I never did that.

Q. Were you present when his arrest was spoken of? A. No, sir.

Q. Did you ever tell him anything about his arrest? A. No, sir.

Q. And you was in total ignorance that he was arrested? A. Yes, sir; I heard it from the newspapers.

Q. And you took no more interest in saloon-keepers, and particularly in the president of this Verein, when his having been arrested for violation of the Excise Law, except that you heard it in the newspapers? A. That is all.

Q. And yet you were so interested in running around, and finding out the wants of your constituents? A. Yes.

Q. Did you know that that association paid into your club, as initiation fee for its members, the sum of \$500 in the aggregate? A. I do not.

Q. Did you ever hear it before? A. No, sir.

Q. Did they join your Tammany Club? A. I don't know.

Q. You have no knowledge of that? A. No, sir; I have not.

Q. Did you know of this body of influential German saloon-keepers coming as a body into Tammany Hall? A. No, sir; I did not.

Q. You mean to say as leader of Tammany Hall you were ignorant of such a thing? A. Yes, sir.

Q. Could such a thing have occurred without your knowledge? A. It could.

Q. And you the leader of that district? A. Yes, sir.

Q. The body of saloon-keepers did join Tammany Hall, and put in an initiation fee, without your knowing anything about it? A. Yes.

Q. How long were you leader? A. About two and a half years.

Q. Two and a half years? A. Yes, sir.

Q. That is after, Judge Roesch, an interview you had with Colonel Cockerill, of the World? A. What interview was that?

Q. About a bribe up in Albany, you know it? A. No, sir; I do not.

Q. Oh, yes, you had? A. About what?

Q. About a bribe? A. I don't know what you mean.

Q. Did you ever converse with Colonel Cockerill upon such a subject as bribery in the Legislature? A. I do not recall it.

Q. When Colonel Cockerill was editor of the World? A. I do not recall it.

Q. Don't you think that that would be a subject of such vital importance that you would remember it? A. Why, no; I would not recall a conversation of perhaps two or three years ago.

Q. Well, suppose the conversation was in reference to your accepting a bribe, don't you think you would remember it? A. Why, yes.

Q. How can you say such a conversation never took place? A. I don't recall any such conversation.

Q. Will you swear you didn't go to Colonel Cockerill in answer to his request, and did tell him you participated in taking a bribe in the Senate? A. I do not.

Q. And you swear to that? A. I do not recall doing any such thing.

Q. You recall—is your memory so frail that you can not remember such an important thing, as the editor of a great newspaper making a charge against you of having accepted a bribe, as a member of the Legislature; do you mean to say your memory fails you on that point? A. I do not now recall any such conversation.

Q. Will you swear you didn't go into Colonel Cockerill's office over in the World, and beg him not to publish the matter he had in his hands about your accepting a bribe? A. No, sir.

Q. You wouldn't swear to that? A. I say I do not; I do not recall any such conversation; wont you tell me when this conversation was; I have been in public life a good many years.

Q. Wait a minue; why, Judge — do you remember a newspaper writer called Nelly Bly? A. Yes, sir; I do.

Q. Do you remember a session of the Legislature when she went up and interviewed the lobbyist Ed. Phelps? A. Yes; I do.

Q. You know Ed. Phelps? A. Everybody around Albany knew Ed. Phelps; there was not a man that sat in Albany that did not.

Q. You knew Eugene Woods? A. Yes, sir.

Q. Another lobbyist? A. I don't know whether he was a lobbyist.

Q. Was his name ever connected with yours? A. No, sir; it was not.

Q. Did his name ever pass between you and Colonel Cockerill? A. Not to my recollection.

Q. Will you swear it did not; your memory fails? A. I swear I never said a word to Colonel Cockerill about Mr. Woods.

Q. Did Colonel Cockerill ever say a word to you about Mr. Woods? A. Not to my present recollection.

Q. And such an important thing as that escaped your mind? A. Why, at that time —

Q. Could such an important thing as that escape your mind? A. Yes.

Q. That is, the charge of having accepted a bribe by you, as Senator, could escape your mind? A. No such charge was ever made.

Q. You mean to say Colonel Cockerill didn't call you to task and Mr. Ballard Smith, also? A. No, sir; they did not.

Q. Did Mr. Cockerill? A. No, sir.

Q. Did he ever talk with you about it? A. No, sir.

Q. Don't you remember Mr. Ballard Smith coming up with a written statement made by another Senator connected with you in the matter, and the Senator changing it in Albany and altering it when he feared its publication? A. No, sir.

Q. Do you remember Nelly Bly's exposure of Ed. Phelps? A. Yes, sir; I was a member of the judiciary committee that investigated her, and Senator Saxton was a member.

By the Chairman:

Q. Investigated him or her? A. Investigated him; she made the charges against him.

Q. You said her? A. Against him; against Ed. Phelps.

By Mr. Goff:

Q. I want to get at that, Mr. Roesch, and see if you can not refresh your memory about that peculiar and particular conversation when Colonel Cockerill sent to you, that you had with him over there in the World office? A. No, sir; I do not recall it.

Q. And that is the best answer you can make? A. Absolutely the best.

Q. Do you remember that Colonel Cockerill openly showed you that he had the proof that you had accepted \$2,500 from Woods, the lobbyist? A. No, sir; he did not.

Q. Will you swear he did not? A. I will.

Q. Do you remember the conversation now? A. No; I do not remember any such conversation; and I, therefore, say he never did.

Q. Did you ever have any conversation with him on the subject? A. No, sir.

Q. You swear to that positively? A. I do.

Q. No matter what is said to the contrary; no matter what may be said to the contrary by any person? A. I do not, at this time, have any recollection of any such conversation at all.

By Chairman Lexow:

Q. Do you swear positively that such a conversation never occurred; you must know whether charges of bribery were made? A. I say such a conversation as Mr. Goff has said never occurred.

Q. Or substantially the same? A. No.

Q. No charges by Colonel Cockerill? A. No, sir.

By Mr. Goff:

Q. He never made a charge in any manner, shape or form? A. No, sir.

Q. And never held a conversation in relation to a rumor that you had received a bribe? A. No, sir.

Q. Is your memory clear? A. Yes.

Q. No failure of recollection now? A. I do not recall any such conversation with Colonel Cockerill; and I say to you that none such to my recollection occurred.

Q. If such had occurred, could you fail to remember it? A. I had no such conversation.

By Senator O'Connor:

Q. What was the subject-matter; what was the bribery about? A. I don't know what the gentleman alludes to; I think he ought to detail; I do not know what this committee is here for; Mr. Goff, in common justice, ought to tell me what that is.

Q. I want to ask you, Judge: You have come here voluntarily, and, as a judicial officer, to answer all questions; I want to ask if you can say, under the solemn obligation of your oath,

that you never held a conversation with Colonel Cockerill, editor of the World, in relation to a charge of accusation, or rumor, concerning your having accepted a bribe from Eugene Woods, a lobbyist? A. I do, sir.

Q. That such a thing never took place? A. Yes, sir.

Q. Such a thing never took place? A. Yes.

Chairman Lexow.—Is that all, Mr. Goff?

Mr. Goff.—No, sir.

Q. Or with any other gentleman connected with the World?

A. No, sir.

Q. Mr. Davis, for instance? A. I don't know Mr. Davis.

Q. Or Mr. Ballard Smith? A. There is no such conversation.

Q. No such conversation? A. No, sir.

Q. Were you never sent for to the World office by either of these gentlemen? A. The only conversation I recall with Mr. Ballard Smith was a conversation I had with him when I was candidate for Senator against John A. Dinkel.

Q. I am not asking you about Ballard Smith now; I am asking you if you had any conversation with any gentleman connected with the staff in the New York World in the building of the New York World? A. No, sir; I have not.

Q. You are positive? A. Yes.

Q. Did you ever receive a message from any gentleman connected with the New York World to go there? A. I was frequently sent for, back and forward, by the editor of the Evening World in connection with Albany legislation; they were interested in various bills; they want a bill for extending and amending the law so as to give a right of appeal in cases where police magistrates had committed children to an asylum.

Q. I am speaking now of the New York World instead of the Evening World; will you repeat your testimony that you were never sent for by any person, either Colonel Cockerill, Mr. Davis, Mr. Pulitzer's brother-in-law, or Mr. Ballard Smith, in relation to a rumor or charge or accusation that had been made or was made against you for accepting or about to accept a bribe from Eugene Woods, the lobbyist? A. I will.

Q. Positively? A. Yes, sir.

Mr. Ransom.—May I make a suggestion simply, not by way of objection, because I have no position to fill, so far as the witness is concerned, because he has said he is simply in court as a witness, without counsel; but I wish to suggest, in the line of saving time, and I am inspired to make the suggestion because of the heroic effort of Mr. Goff yesterday, when the committee decided that there was a limit, and I had reached it, in trying to destroy the credibility of the witness; it seems

to me, the whole drift of the examination for the last 10 or 15 minutes has been for the purpose of showing that Judge Roesch is not entitled to credit because he has been put himself, in his own person, in respect to the members in the public Legislature, on trial; and I suggest to the committee, perhaps, that inquiry has gone as far as the committee would have it to go.

Chairman Lexow.—Are you through with that branch of it?

By Mr. Goff:

Q. One question more; do you know Mr. Graham, the city editor of the World? A. I know one Mr. Graham was a city editor of the World.

Q. Did you ever see him in connection with the transaction I have been questioning you about? A. No, sir.

Q. Or any friends of his? A. No, sir.

Q. You are clear about that? A. I am.

Q. Now, I will ask you about your immediate district; do you know Captain Docharty? A. Yes; I do.

Q. Have you been frequently with him? A. Yes; I have.

Q. Haven't you quarreled? A. No.

Q. Have you had some words? A. No, sir.

Q. Perfectly friendly? A. Yes, sir.

Q. Has there ever been any words said between you by Captain Docharty, resenting your interference concerning houses of ill-fame in that neighborhood? A. No, sir; there has not.

Q. Has there ever been anything said to you that you, as a politician, was interfering with him as policeman? A. No, sir; absolutely.

Q. Absolutely nothing? A. Absolutely nothing.

Q. In regard to those houses, there were quite a number in your district? A. I don't know how many there are.

Q. Did you ever receive \$300 from anyone for an appointment on the police force? A. No, sir.

Q. Did you authorize any other person to receive it for you? A. No, sir.

Q. Or for appointment on the fire department? A. No, sir.

Q. Did you get appointments on the fire department? A. Yes; I did.

Q. And on the police department? A. Yes, sir.

Q. Did you ever know the persons you got appointments on the police department had ever to pay? A. No, sir.

Q. And you swear that under the solemnity of your oath? A. I do.

Q. Did you ever ask any of the men whom you appointed on

the police department, if they had to pay for their appointment?
A. No, sir; I did not.

Q. Did you ever hear rumors that they had to pay? A. No, sir; I did not.

Q. Have you heard rumors that men had to pay for appointment on the police force? A. I have heard it in the papers as a rumor.

Q. Having heard that as a rumor, and having heard it in the clubhouse and other places, did you make any inquiry of the men you took under your special charge to get on the police force as to whether they paid or not? A. No, sir; I did not.

Q. You did not consider it necessary? A. No, sir; I did not.

Q. Notwithstanding the rumors around? A. I did not.

Q. Don't you know it was impossible to get on the police force without paying for it? A. That is common rumor.

Q. And in the face of common rumor in this city, of which you are an officer of responsibility, you have men appointed on the police force, and you never asked them if they had to pay? A. I never did.

Q. You did not consider it worth your while? A. No, sir.

Q. It was too trifling a matter? A. No, sir; but I was not concerned at all with that in any way, shape or manner.

Q. Is Mr. Spitz in court (Mr. Spitz stands up); do you know Mr. Spitz? A. I do.

Q. Do you see that gentleman over there? A. I do.

Q. Sit down, Mr. Spitz; how much money did you receive in connection with obtaining his license? A. Allow me to see that book a moment, and see whether his account is in there; his account is not in this book, and I do not recall what he paid me; I was his lawyer before the excise board.

Q. And don't you know you wrote to the excise board before he retained you as his lawyer, when he applied for a restaurant license, not to grant him a license? A. I do not recall that.

Q. Will you swear you did not? A. I do not recall it.

Q. Will you swear you did not write to the excise board? A. No; because my memory failed.

Q. Your memory failed you; don't you remember, after he retained you as his lawyer, he got that license? A. I know he retained me as his lawyer, and we got his license.

Q. And it was only after he retained you as lawyer you obtained the license? A. Yes.

Q. Don't you know you had Henry Wolff appointed as excise inspector? A. Yes, sir.

Q. Don't you know you had this carried on through him? A. That is untrue.

Q. Wolff had nothing to do with it? A. No, sir.

Q. Did not bring any information concerning it? A. No, sir.

Q. Mr. Spitz had not been a client before? A. No, sir; he had not.

Q. And that is the only occasion you had any connection with him as client in getting this excise license? A. That is true.

Q. Is Mr. Charles Hess in court? (Mr. Hess stands up.) Do you see that gentleman, Mr. Roesch? A. Yes.

Q. Was he ever a client of yours? A. Yes; I procured for him an excise license on the 21st of September, 1893; charged him for drawing a petition and affidavit, and having the petition signed by residents of his election district, his block, his saloon being at the corner of Avenue A and Second street, \$25; and on the 23d of September, he paid it.

Q. The day after he came to you he got his license? A. No; no; that does not follow.

Q. Never mind what it follows; I ask you, as a fact? A. That I do not recall.

Q. Your memory fails you on that? A. No; it was not the day after; it was very nearly two weeks.

Q. You were in the habit of sending out campaign circulars, weren't you? A. Yes.

Q. And you sent out campaign circulars to every saloon keeper in the district? A. Who was on the books.

Q. And you sent out circulars to houses of ill-fame? A. I did not.

Q. Were they not sent from your headquarters? A. No; I would not swear they were not, because I had nothing to do with that.

Q. Don't you know that every house of ill-fame and assignation in that district received circulars every time for contribution to campaign purposes? A. I do not.

Q. Will you swear you do not? A. I do not know.

Q. Don't you know you authorized the circulars and signed the circulars? A. I authorized and signed many circulars.

Q. Soliciting subscriptions? A. Yes.

Q. And don't you know the lists of saloon-keepers and disorderly houses were taken up in your district and sent to each one? A. No; I do not.

Q. You couldn't swear it is not so? A. I never sent any such circulars.

Senator O'Connor.—Mr. Goff, do you mean absolute knowledge?

By Chairman Lexow:

Q. Have you any information? A. I have no information at all on the subject.

By Senator O'Connor:

Q. As matter of fact, do you understand that these circulars are sent out to houses of prostitution? A. No; not to houses of prostitution; these circulars are sent out to the members of the club, whose names are on the membership book.

Q. Are they sent out to these houses that are run by women? A. That I don't know; now, take the case of Mr. —

By Mr. Goff:

Q. Will you swear they were not? A. Take the case —

Q. Will you swear they were not? A. I will not swear one way or the other about it; you take the case of Mr. Thurow; now, his name was on the book of membership; his wife testified she kept that house; as member of the club he probably got circulars and cards.

Q. I will take the case of Mrs. Fisher, for instance, who had no husband, actual or putative; do you know whether she got circulars or not? A. I don't know.

Q. Do you know she had a husband? A. I do not.

Q. Do you know anything about Mrs. Fisher? A. I only know her in connection with her case.

Mr. Goff.—Is Mrs. Fisher in court?

Chairman Lexow.—Yes, she is here.

By Senator O'Connor:

Q. Does the club keep books that show the persons who pay?

Mr. Goff.—That is a very difficult thing to answer; suppose we ask Senator Roesch?

The Witness.—These clubs keep books of account of the members of the club, their indebtedness, when they pay, and the like.

By Chairman Lexow:

Q. Do they keep a book containing the subscriptions that are made to the campaign club? A. No, sir; we never had any such club-book.

Q. Had you any contributions? A. Well, we had contributions from many sources; I don't know from whom.

By Senator O'Connor:

Q. Do you leave anybody out; for instance, keepers of pool-rooms, policy-shops and gambling-houses, and places of that kind; they are all solicited, are they not, to contribute? A. I never sent any circulars to any such people, nor did I direct it.

Q. The question is, what do you understand about that being

done; is it your understanding that they are solicited? A. No; I do not so understand it.

By Mr. Goff:

Q. Don't you know it is a fact they are, Senator? A. No; I don't think that they are.

Mr. Ransom.—I wish to make another question.

Senator O'Connor.—This is a direct inquiry in regard to the police force.

Mr. Ransom.—It seems to me that the inquiries of the witness for the last four or five minutes, as to subscriptions, etc., of the political organization of which he was the leader, is not within the scope of the inquiry. I want to call your attention to that, as we are liable to run on into irrelevant inquiries. I suppose you will pardon me if I call your attention to the resolution.

Chairman Lexow.—Under the terms of the resolution, the excise department is one of the departments to be investigated by this committee. If there is a regular scheme whereby the various keepers of houses, and restaurants, and hotels, are levied upon for political purposes, by the political leaders of the district, that is a very important inquiry, it seems to me; and this is a branch of the case which Mr. Goff is apparently pursuing at this time.

Senator O'Connor.—Is not the relation between Tammany Hall, as a political organization, and the police force so entirely interdependent and so interlaced with the other, that you can not properly inquire into one without the other.

Senator Cantor.—That is not so.

Senator O'Connor.—We have the evidence of Commissioner Martin here by the books that frequent appointments are charged to Tammany Hall. We know generally the kind of favors the Republicans get in this city; and the Republicans receiving those favors are generally suspected as to their Republicanism.

Senator Cantor.—Is that true of the police commissioner?

Chairman Lexow.—This is out of order. Mr. Goff, will you go ahead.

By Mr. Goff:

Q. You say you never directed those circulars; I do not mean to imply you did; do you know a man by the name of Reynolds in your club? A. Reynolds?

Q. Yes? A. I do not now recall to mind such a name.

Q. Don't you know the man that was employed to go around

to these houses, and make requests or solicitations for subscriptions for the campaign fund? A. There was no such man employed.

Q. Do you remember in arranging for your election district captains, you were very particular, weren't you? A. In what?

Q. Selecting your men for district captains of election? A. Yes, sir.

Q. You saw the proper men were placed on guard at every polling place? A. I did.

Q. And you generally called them together, at a meeting before election day, to instruct them in their duties? A. Yes, sir.

Q. And at these meetings that you called them together, do you remember saying anything to them about the police attendance at the polls? A. No, sir.

Q. Not a word? A. I did not.

Q. Will you swear you never said to your election district captains to select the officers they wanted at the polls and you would have them detailed? A. I will.

Q. Positively? A. Positively.

Q. Your memory does not fail on that point, does it? A. It does not.

Q. Did you ever have police officers detailed at the polling places? A. I may have gone to Captain Docharty and asked them to place an officer here and there.

Q. A special officer? A. They were officers residing in the election district.

Chairman Lexow.—I would suggest, before the adjournment be taken, that the witness of yesterday is here, and I believe the ward man and captain; they should identify the three before adjournment now.

Mr. Goff.—All right. Will you step down a moment, please?

Lena Cohn, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Mr. Goff.—Will Captain Siebert and Officer Farrell and Officer Brennan please come forward.

Q. Is this officer in uniform the captain that you had the conversation with? A. Yes, sir.

Q. That is Captain Siebert? A. Yes, sir; there is Farrell, and there is Detective Brennan, and there is the captain (pointing to them); and to the captain I had no hard feelings or anything; I should not injure him in his line.

By Senator O'Connor:

Q. Which is Farrell? A. There is Farrell before me (pointing); the first one on that side.

Q. The one with the dark mustache? A. Yes.

Q. And the other is Brennan? A. Yes, sir; with the light mustache — Mr. Brennan; still to the captain I have nothing.

Q. One thing more I want to ask.

Mr. Ransom.—Wont the committe let the captain say a word?

The Chairman.—There is not much time now.

Mr. Jerome.—He will have ample opportunity later on.

Chairman Lexow.—If we once made an innovation of that kind there would be no end of it; the committee is here to stand under those charges, but you see the difficulty of the position.

Mr. Ransom.—The captain will most vehemently deny the statement made by the woman, and as the chairman says, it is very hard that a man occupying the position of captain—his residence in this city is of many years, and bears upon his long and faithful services as a reputable citizen, working up from the ranks of this police department to this important position of captain, that he should not have instant opportunity, if it could be given him, to deny the statement.

Chairman Lexow.—I believe that there have been 27 captains, roundsmen, patrolmen and sergeants already implicated by this testimony. We would have every one of these 27 men up to go upon the stand, and would interrupt the proceedings entirely too much; we will give the captain the opportunity he wants to explain the matter.

Mr. Jerome.—You were discharged by Mr. Justice Martine in the Court of General Sessions this morning?

The Witness.—Yes, sir.

By Mr. Jerome:

Q. When you gave this money you have testified you brought to Farrell, did you give it to him in anything? A. I gave it to him in an envelope once; and while at the house that time I gave it to him in money; that was counted out to him.

Q. Did you ever meet in that saloon any other keepers of disorderly houses? A. I met from No. 27 ——— her name is White.

Q. And she lives at 27 what street? A. At 27 Pitt street.

Q. Did you ever see her give anything to other of these ward men? A. I can't exactly say whether she gave money, but I see her hand something; I seen by coming up she had something; like she would have something in her hand; and coming up to the officer, said: "How do you do?"

Q. Was it an envelope or what? A. It was in an envelope.

Q. To what officer did she give it? A. Farrell.

Q. Did she give any to Brennan? A. I didn't see other.

AFTERNOON SESSION.

June 7, 1894.

George Roesch resumed the stand, and direct examination continued by Mr. Goff:

Q. Why did you bring those slips, those cash slips, to the Senate committee this morning; why did you bring those cash slips to the committee this morning? A. Because I wanted to show the mode of entries of charges in the ledger.

Q. Did it occur to you that you might be inquired of concerning other transactions with persons like Mrs. Thurow, in the same manner? A. Yes.

Q. Did it occur to you that it would be proper for their own interest and your own protection that you should bring the slips concerning those other transactions? A. I brought no slip, as you noticed, concerning Mrs. Thurow; I have no slip concerning Mrs. Thurow's transaction, nor any other, for they are destroyed in the usual course of business after the entries are made.

Q. You brought this book written up for a month or two; did it not occur to you, since you had the precaution to bring this book, that you might be inquired of concerning other transactions with persons of Mrs. Thurow's character? A. Yes, sir; but I have nothing to conceal.

Q. Why did you not bring the book concerning or regarding those other transactions? A. That is the only book which we have in the office.

Q. That book only goes back to June? A. But the partnership with Mr. Fennell ended on the 1st of June, and any transaction prior to the 1st of June is entered into the partnership books of Roesch & Fennell, and those books are in the possession of Mr. Fennell.

Q. Do you state that in those books are recorded all of the fees you received from persons who sought licenses from the board of excise, for instance? A. In those books are recorded absolutely all fees that I received from any source while I was a member of the firm of Roesch & Fennell; in other words, Mr. Goff, not a single penny came into my hands, during the existence of the firm of Roesch & Fennell, which is not shown by those books.

Q. Of course, from your political promise, it followed that a good deal of people went to your office? A. Well, I don't know; perhaps, I can not judge that very well; of course, I did think that my connection with political life should not be to the detriment of my professional business.

Q. When you received a fee from Mrs. Fisher, for instance;

is that during the existence of the partnership? A. I think not, Mr. Goff.

Q. That was after? A. I think not, for the reason that it is entered in that book.

Q. Have you got the book here? A. Yes, sir. (Aside.) Mr. Peterson, will you please bring it here? (Book produced and handed witness.)

Q. Mrs. Fisher was the keeper of a disorderly house? A. Yes, sir.

Q. Of a house of prostitution? A. Yes, sir.

Q. Because there is a distinction in law, I presume you are aware of that; could you tell me the date of Mrs. Fisher's entry? A. I think it is on the opposite page.

Q. Three hundred and thirteen? A. Three hundred and sixteen; there (indicating).

Q. In the case of Mrs. Fisher, you entered \$200; is that the only fee you ever received from Mrs. Fisher? A. Absolutely the only money that I ever received.

Q. And she kept her house of prostitution at No. 10 Stuyvesant place? A. All I know about the address is what is on that book.

Q. You must have got that address from someone? A. There is no doubt that I did; I suppose I got that information from the Police Court where I attended when the case was up against her.

Q. On whose complaint was that, do you know? A. I do not; to the best of my recollection, just now, that was on a raid by the police; I think it was; at any rate, I had no name of any complainant in my mind in connection with that.

Q. July 1st, this date is, 1893? A. Yes, sir.

Q. Was that after her arrest? A. That I couldn't say.

Q. It was in or about that time? A. It might be; I have no account of the Special Session or Police Court cases; if I had a register of those cases I would give it to you; that would tell.

Q. Her case has never been disposed of? A. So I understand; that the indictment was still pending in the General Sessions.

Q. Did she ever plead to that indictment? A. I couldn't tell you that now.

Q. You, as a lawyer, ought to know? A. I know that, but I couldn't tell you now whether she did or not.

Q. By the way, speaking of the district attorney's office, or the General Sessions, can you state to this committee how many times you visited the district attorney's office in the month during your leadership for the purpose of interfering in disorderly-house cases on the calendar there? A. Never, except as counsel in the regular order of the call of a case.

Q. I don't care in what capacity; how many times did you visit the district attorney's office in relation to the keepers of disorderly houses in your district? A. In all the two and a half years I have visited the district attorney's office in all three times.

Q. Three times? A. Yes, sir.

Q. Yourself? A. Yes, sir.

Q. Three times, and each time was in the interest of a disorderly-house keeper? A. They were my clients, and I pleaded for them; two of them were convicted.

Q. Three times, you say? A. Three times in all.

Q. Those were three cases? A. Yes, sir.

Q. Now, when you say three times, do you mean the three cases, or the number of times for each case? A. I mean that I never appeared in the General Sessions Court but three times in the cases of keepers of disorderly houses within the last two years and a half, and in regard to visits to the district attorney's office that I can not say how many visits I have paid, because in connection—

Q. Can you say how many times you visited Mr. Nicoll in his office of district attorney in relation to the keepers of disorderly houses in your district? A. I never visited him.

Q. Or Mr. Unger, his secretary? A. No, sir.

Q. Neither one? A. No, sir.

Q. You swear to that positively? A. Positively.

Q. Nor any of his assistants? A. None of his assistants; I will say this to you, Mr. Goff; suppose an assistant had charge of the calendar on a day on which a case would be on, I would speak to him in regard to the case, whether it was going to be called for trial that day or not.

Q. Had you ever heard it said by anyone in the district attorney's office, or did it ever reach your ears, that you were called a nuisance from your visits in the district attorney's office, on behalf of the keepers of disorderly houses in your district? A. No, sir.

Q. Were you ever told that nothing could be done for you in those cases? A. No, sir.

Q. This was the first time you ever heard it? A. The very first time.

Q. Do you know a man by the name of Buttner? A. Yes, sir.

Q. Do you know his brothers? A. Yes, sir.

Q. Who are his brothers, for instance, one brother? A. Well, I don't know their first names.

Q. Give us the second name; possibly you can get at that?

A. I think that his brothers were known by the name of Gombossy.

Q. And known as notorious divekeepers; is that so? A. Well, they kept places on the Bowery, which were denounced by the newspapers; and they were arrested, I think, or inmates of the places on the Bowery were arrested, because of fights in their places.

Q. Did you ever have any transactions with Buttner? A. Oh, yes.

Q. He was a client of yours? A. Yes, sir.

Q. And he kept one of those concert places in the Bowery? A. A concert saloon; yes, sir.

Q. How much did he pay you for getting him a license? A. I don't recall that; that was during —

Q. Never mind about the time; I want to know about the amount now? A. I can not say.

Q. Don't you know that Buttner was refused a license by the excise board on account of the place he used to keep? A. Yes, sir; I think he was.

Q. And after he was refused a license he went to you? A. That I don't know.

Q. Don't you know that when you took his case he had been refused a license, and after you took his case the skill and scientific management which you displayed in the handling of this case resulted in his being granted a license? A. I don't know now whether he was granted a license or not.

Q. Don't you know that you received a thousand dollars from him? A. No, sir.

Q. How much did you receive? A. I didn't receive a thousand dollars from him.

Q. How much; did you get \$900? A. I can not say how much I received, because that is entered in the books.

Q. Let us see; that was an unusual transaction, wasn't it, with Buttner? A. No.

Q. You had a great number of those cases, had you? A. No, sir; I was frequently before the board of excise on the trial of cases.

Q. But these applications which had been refused, you were brought in specially in a great number of these cases, weren't you? A. No, sir; not at all.

Q. This Buttner case you were brought into? A. I believe I was brought into the Buttner case.

Q. Don't you remember that you made a very logical and forcible address before the excise commissioners in behalf of granting this concert hall a license? A. I don't recall it.

Q. You obtained the license without the speech, did you? A. I don't know whether he got the license or not.

Q. Don't you know that he ran that place? A. I told you that he had a place on the Bowery.

Q. Don't you know that you received a large sum of money from him? A. No, sir; I do not.

Q. Did you receive any? A. I presume I was paid for my legal services.

Q. Will you swear you didn't receive a thousand dollars? A. Yes, sir.

Q. Will you swear you didn't receive \$900? A. I will.

Q. Will you swear that you didn't receive \$700? A. Yes, sir.

Q. Or \$600? A. I will.

Q. Or \$500? A. I will.

Q. Or \$400? A. I will.

Q. Or \$300? A. I will.

Q. Or \$200? A. I can not swear that.

Q. You won't go beyond two? A. I can not swear what amount I received.

Q. We will take Mr. Palmer here (indicating); you know him, don't you? A. I do.

Q. You know Mr. Palmer? A. Yes, sir.

Q. You are intimately acquainted with Mr. Palmer, are you? A. No, sir; only know him as a client.

Q. You know him to be an unusually intelligent man in his business of keeping a saloon? A. I think he is; yes, sir.

Q. Don't you know that Mr. Palmer had been refused a license for his place? A. I don't know that he had been refused a license, but I do know that he had made application for a license, and that the board had not acted on it, according to my present knowledge.

Q. How much did Mr. Palmer pay you for your valuable services? A. I will tell you if you will allow me (witness examines a book which is handed him by the clerk); this was on the 19th of April of this year; Mr. Palmer engaged me as counsel to appear before the excise board; I went before the excise board; a trial was had; here are the stenographer's minutes and the testimony; I got those minutes from the stenographer after the conclusion of the trial; you may have them, sir.

Q. Thank you. A. I charged him for my fee in that case \$100 for a retainer, and \$50 if I were to get the license for him; the excise board denied, at first, the application.

Q. After your public appearance? A. Yes, sir, after my appearance at the trial; then I went to the board again, after they had denied it, and I will show you my marks on this testimony; they had claimed that the place was a disorderly place; I called attention to the testimony of Captain Cross, who was

on the stand, in which he said: "I know of nothing against Mr. Palmer's character;" that is one point, and I argued with him again on his testimony—on the stenographer's transcript; thereupon they decided to give me another hearing, the three commissioners; I then appeared for the second hearing and argued again on this testimony again before the board, and the commissioners then granted the license; I then received from Mr. Palmer, on the 28th of April, the balance of my fee, \$50.

Q. Is that all the money you received from Mr. Palmer? A. Absolutely all.

Q. One hundred and fifty dollars? A. One hundred and fifty dollars.

Q. Did anybody else receive money from him on your account? A. No, sir.

Q. In any manner, shape or form? A. No.

Q. By the way, on this third time you appeared before the board there was no person present excepting yourself in your interest? A. Nobody else; the three commissioners and I.

Q. It was, practically speaking, a private hearing after the public hearing? A. Not at all; it was in the trial-room of the excise commissioners.

Q. There were no witnesses brought, no affidavits read or anything? A. No; the witnesses had all been examined on the first hearing.

Q. You had the commissioners all alone with yourself? A. The stenographer of the board was in the room.

Q. The stenographer never counts? A. But, my dear sir, the clerks were in the room also.

Q. Do you know a woman by the name of Mrs. Green? A. No, sir.

Q. Were there not two women in Stuyvesant place, one in No. 10 and the other in No. 12 Stuyvesant place? A. I don't know about that.

Q. Didn't you know a woman that kept a house next door to Mrs. Fisher? A. No, sir.

Q. Do you know Gus Newman? A. Yes, sir.

Q. He leases quite a number of these disorderly houses in the neighborhood? A. That I don't know; all I know is that Mr. Newman is a real estate agent, but I have had no transactions with him.

Q. Did you not have transactions with him in regard to Mrs. Fisher; didn't you know that he rented a house to Mrs. Fisher? A. I did not.

Q. You know nothing about his relations? A. Absolutely none.

Q. Do you know the last case that you appeared in, in the

General Sessions as attorney for a woman who kept a disorderly house? A. No, sir; I don't recall the last case.

Q. Suppose I mention the name; do you remember Mamie Roth? A. I don't remember that name; no, sir.

Q. Did you ever hear that name? A. I did not.

Q. Mamie or Marie? A. I don't recall any such name; I have no such name on my books.

Q. Do you remember going into the district attorney's office frequently about Marie Roth? A. No, sir.

Q. That name is a stranger to you? A. It is.

Q. In selecting your captains for your election districts, you said that there was something done about the police officers designated to each polling place, was there not? A. No, sir; what I said this morning was that I asked that a policeman living in the Assembly district who was doing duty elsewhere on election day be sent to the Assembly district where he was to vote.

Q. What interest had you in arranging for the distribution of the police officers with regard to elections? A. Well, these men were Democrats and members of the club and asked me to do this thing, and I did it.

Q. How many were members of the club? A. I couldn't say.

Q. Quite a number? A. I think in all there were not more than 12 members of the club.

Q. So, then, you kept track of the number of policemen who belonged to your club? A. I am only giving you an estimate as far as I can.

Q. And after these 12 members you interested yourself so far that they would be assigned to the Assembly district in which they resided? A. When they asked me to do so; yes, sir.

Q. Whether they belonged to the district or not? A. You see, it would be a great advantage to an officer to be in his own Assembly district instead of coming over from some other part of the city for an hour or so to cast his vote, and then go back.

Q. You regarded it as political advantage to have these officers assigned to the various polling places in your district? A. I regarded it as a matter of political advantage to do a good turn for a friend whenever I could.

Q. You regarded it as contributing to the success of your party, did you? A. I did.

Q. So that your party, then, speaking through you as one of its representatives and one of its district leaders, regarded the presence and services of the police officers at the polls as conducive to its success?

Mr. Ransom.—He can not answer for the party, and I object to this question.

The Chairman.—He was only answerable for himself as a leader of the party.

Mr. Ransom.—I only say that for the purposes of the future examination upon that line, my objection was directed to the point which the chairman stated in his ruling. He speaks not for his party, but for himself.

The Chairman.—As a leader.

Senator Cantor.—He speaks only for his party in that district.

Mr. Ransom.—I do not know whether he can speak even for his party in that district. I am not prepared to admit that. He surely does not speak for his party in the entire county.

Mr. Goff.—Your knowledge is certainly superior to mine. I am not in the secrets of the organization.

Q. I will put the question, if you, as a leader of your party in that district, didn't regard as an element of success that the police officers whom you requested to be assigned should be assigned for duty on election day in your district? A. No, sir.

Q. You didn't? A. No, sir.

Q. You said a little while ago that you regarded that as of advantage? A. I regard it my duty to do these many favors where they ask me wherever I can; they asked me because they lived in the Assembly district and wanted to cast their votes there.

Q. Through whom did you obtain the assignments? A. I would usually speak to Captain Doherty about these things while he was captain.

Q. But these men, you say, belonged to other precincts? A. Yes, sir.

Q. Then how could Captain Doherty arrange the assignments when they were out of his precinct? A. I don't know that.

Q. If you say you applied to Captain Doherty to make the assignments, how could he make the assignments of men not residing in his precinct? A. I don't know that.

By the Chairman:

Q. Did you ever apply to somebody else? A. No, sir.

Q. Never? A. No, sir.

By Mr. Goff:

Q. Then, if Captain Doherty, who then was in command of the precinct in which your district was situated, was applied to, he could aid you to make assignments of men in his own district,

they being all there, could he? A. These men lived in different parts of the precinct; those that did live there lived in different parts and their posts might be in other parts.

By Senator Cantor:

Q. The precinct extends beyond the Assembly district? A. Oh, yes.

Q. How far? A. The Fourteenth Precinct takes in, I think, the Seventeenth ward, and that is composed of the precinct—the Seventh and Tenth Assembly districts; the Seventh runs from Stanton to Eighth streets, the Tenth from Eighth to Fourteenth, and both from Avenue B west to Broadway, but the police precinct only extends to Houston street—the other side of Houston street commences the other police precinct; I am not positive about the number.

Q. The Eleventh? A. I don't know the number; the station-house is in Eldridge street.

Q. That is the Eleventh; so that your Assembly district ran into two precincts? A. Yes, sir.

Q. That is it? A. No, sir; my Assembly district covered only a portion of one district; that is the way to put it.

Q. Your Assembly district was the Seventh? A. Yes, sir; and you see we ran only from Houston to Eighth streets while the police precinct only ran from Houston street to Fourteenth street.

By Senator Cantor:

Q. You mean your whole Assembly district was in one precinct? A. Was in one precinct.

By Mr. Goff:

Q. How do you explain it; Stanton street is south of Houston? A. Well, you know the election districts between Houston and Stanton from Avenue B to Bowery were in a lower police precinct, the Eldridge street police precinct; then the election districts from Houston to Fourteenth street and Avenue B to Third avenue were in the Fifth street station; and the other election districts, under the new apportionment, from Prince street to Eighth street and Bowery to Broadway, were in the Mercer street station.

Q. The Fifteenth? A. And the Elizabeth street station.

Q. So that really your Assembly district ran into four police precincts? A. Yes.

Q. So, now, we find that your Assembly district ran into four precincts? A. That is right; I hadn't thought of the new apportionment taking in the new districts.

Q. Do you remember having a man by the name of Stransky appointed to the police force? A. Yes, sir.

Q. Do you remember saving him from being broke? A. No, I didn't do that; I will show you what I did for Stransky; Officer Stransky was appointed on the police force and he made an arrest of a butcher named Fred. Hauff; it seems that that man was discharged in the Police Court, and afterward Mr. Hauff sued Officer Stransky for false arrest and imprisonment for \$2,000 in the City Court; after he had been served, and after the Police Court matter, he came to me and retained me as counsel; I put in an answer in that case on the 21st of September, 1893, as you see here, and charged him \$50 for my services; he has not paid; here is the entry.

Q. I don't question your word at all, Judge, upon it; I ask you again specifically if for any man that you ever had appointed on the force you received any money or benefit, directly or indirectly? A. I answer you again specifically, Mr. Goff, I did not.

Q. Through the hands of any person? A. I did not.

Q. Do you know ex-Alderman Fink? A. Yes, sir.

Q. Did you ever receive money through his hands on account of appointments on the police force? A. No, sir.

A. And that is absolutely true, is it? A. It is.

Q. In making out the list of policemen for duty on election day was there not a written list prepared in the clubhouse? A. That I don't know; I didn't prepare any such list.

Q. Don't you know as a fact that there was a list of policemen for each polling place prepared in your clubhouse before election day? A. I do not.

Q. You swear to that of your own knowledge? A. I do.

Q. Did you ever hear of such a thing? A. No, sir; I did not.

Q. Did you ever ask any of your captains to point out other selections of policemen? A. I did not.

Q. Do you know Carl Weiner? A. Carl Weiner?

Q. Yes. A. There was a Carl Werner in State's prison.

Q. Your pronunciation is much better. A. He was in State's prison.

Q. After he was in State's prison, did you know him? A. I was engaged to procure his pardon.

Q. How much money did you receive for that? A. Nothing.

Q. From his brother-in-law? A. No, sir.

Q. Not a dollar? A. No, sir.

Q. You didn't procure his pardon? A. I didn't.

Q. How much money did you receive from him while he was in Delancey street? A. None.

Q. Do you know he was in Delancey street? A. I do not.

Q. Do you know he ran a place there? A. I do not; I have never seen Carl Weiner in my life; all I ever heard from him was through letters which I received from him while he was in prison, begging me for God's sake to get him out of prison; I prepared papers and I think I wrote to the Governor—I don't know what I did—about that; and he had to serve out his term; I never saw the man.

Q. Don't you know that he was in partnership in a place in Delancey street with a man who ran a place there? A. No, sir; I do not.

Q. Did you ever hear it? A. I didn't.

Q. Did you ever in any place in Delancey street sell tickets for your chowder excursion? A. No, sir.

Q. Did anyone for you? A. No, sir.

Q. Now is it not a fact that when you organized your chowder parties for each year that your men went around to the various places of ill-fame and liquor stores with tickets? A. No, sir.

Q. You know that? A. I know that.

Q. Did you ever hear of anyone in the district collecting money for campaign purposes without authority? A. I did not.

Q. Did you ever have anyone arrested? A. No, sir; I did not have anyone arrested.

Q. Now, reflect? A. No, sir; I didn't.

Q. Did you ever make a complaint against anyone for that offense? A. Yes; I did that; I forgot the man's name; I can not think of it just now; but there was someone, two years ago or a year ago, going around through the Seventh Assembly district claiming that he represented the Tammany Club and begging campaign collections; that came to my ear, and I went down to Captain Doherty and complained to him that there was somebody representing the Tammany Club doing this kind of work; but I never had anybody arrested.

Q. Don't you know there was a man arrested as the result of your complaint to Captain Doherty? A. I do not; no, sir.

Q. Don't you know that Sommers was arrested? A. No; he was not arrested; Summers is the name of the man.

Q. Don't you know that Sommers was arrested? A. No, sir; I do not.

Q. You went to the station-house to have him arrested? A. No, sir; I didn't know Sommers was the man; I did not know who was the man that was doing this; I simply went to the station-house to complain to the captain that this was going on.

Q. Collecting from these houses of ill-fame? A. No, sir; there was no such thing as that; it was simply stated to me in a general way that this man Sommers was collecting money in the

name of the Tammany campaign fund, but there was nothing said to me as to who he was collecting from.

Q. Do you wish to say anything further in reference to your statement here? A. I wish very much that the committee would hear the testimony of my managing clerk, Mr. Peterson, and of Mr. William E. Faye; if not of my managing clerk, then at least of Mr. William E. Faye, who is the gentleman mentioned in the testimony of Mr. and Mrs. Thurow.

The Chairman.—Have you any objection, Mr. Goff, to interposing those witnesses now?

Mr. Goff.—Yes, sir; I think we have; Mrs. Thurow is not here; she had to go away this morning; she has been here all forenoon, and when Mr. Faye takes the stand, if he does take the stand, I would like to have Mrs. Thurow present.

Senator Cantor.—I suppose you will give him an opportunity to be heard.

Witness.—Would you object to my brother or Mr. Peterson taking the stand to corroborate my statements?

The Chairman.—You have not stated anything excepting your interpretation of the conditions under which this money was given, which can only be your interpretation and not Mr. Peterson's.

The Witness.—I mean to have Mr. Peterson testify as to the entries here, which are in his handwriting.

Mr. Ransom.—May I ask the witness two or three questions?

The Chairman.—Certainly.

Cross-examination by Mr. Ransom:

Q. Have you, as a lawyer, as a citizen, or as a political leader, in either capacity, ever in your life, in person or by any agent or instrument, paid a dollar or any valuable thing to the police of this city, or any member of the police, including the commissioners, to secure protection for any person or persons engaged in any unlawful calling?

Mr. Goff.—Objected to.

The Chairman.—What is the ground?

Mr. Goff.—I object for the reason that there is nothing in the testimony whatever charging that Roesch did pay money; the testimony being that Judge Roesch kept all the money himself and that the police quarrel with him on that account.

Mr. Ransom.—There is not any evidence of that kind.

The Chairman.—It is immaterial, but we will allow it in this case.

A. I did not.

Q. Do you know, of your own personal knowledge, or have you ever heard, except as you have already stated from the news-

papers, that anybody has given to the police or any member of that force, including the police commissioners, any money or valuable thing to secure protection for any person engaged in an unlawful business in this city? A. I do not.

By Mr. Goff:

Q. You were born in the Seventeenth ward, if I remember rightly? A. Yes, sir.

Q. And you have lived there all your life? A. All my life.

Q. Do I understand you to mean by your answer to Judge Ransom that you have never heard in the city of New York of houses of ill-fame having to pay for police protection? A. No; I do not wish to be so understood; I wish to be understood as saying that in the papers and in common rumor around among the public I have frequently heard that it is charged that policemen, captains or police officials received money from houses of ill-fame or from places of business carried on in an illegal manner.

By the Chairman:

Q. Don't you know that to be a fact? A. I do not.

Senator Cantor.—How can he know it to be a fact unless he did it.

The Witness.—I would like to ask Mr. Goff's permission to make one short statement about those pages.

Mr. Goff.—Certainly.

The Chairman.—That is not material.

The Witness.—I want to say that the reason—

The Chairman.—You need not continue that, Judge.

Martin Morrison, Jr., being called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Jerome:

Q. You are an officer of the municipal police of this city? A. Yes, sir.

Q. How long have you been on the force? A. Five years and six months.

Q. When did you first turn out on probation; do you recollect? A. November 17, 1888.

Q. In what precinct? A. Thirty-fifth precinct.

Q. Who was the captain of that precinct? A. Captain Yule.

Q. Before you were appointed to the police force, did you borrow a certain sum of money from your mother? A. Yes, sir; I did.

Q. What was the amount? A. Two hundred and eighty dollars.

Q. How long before you were appointed did you borrow that sum? A. Well, I suppose, about 10 days.

Q. What did you do with that money? A. I spent it.

Q. For what? A. I spent it on several different articles.

Q. Did you see anyone in reference to your appointment? A. No, sir.

Q. No one at all? A. I saw one man; I got a letter from him.

Q. What was his name? A. Dr. Satterlee.

Q. Did you see anyone else besides him? A. No, sir.

Q. Didn't anyone say to you that they thought you were a little green about this matter and that they had better attend to it? A. No, sir.

Q. Did you pay anyone at all in connection with your appointment? A. No, sir; not a cent.

Q. Neither directly nor indirectly? A. No, sir.

Q. You were working at the time of your appointment? A. Yes, sir.

Q. And worked up to the time you turned out on probation? A. Yes, sir; within a few days.

Q. Getting wages? A. Yes, sir.

Q. You were not then married, were you? A. No, sir.

Q. What did you spend this \$280 for? A. I spent some of it for clothing, footwear, bedwear.

Q. How much did you spend for clothing? A. Well, in all, about \$60.

Q. For what clothing? A. Three sets of uniform.

Q. You bought your uniform in Houston street? A. Yes, sir;

Q. From Levy? A. Yes, sir.

Q. You bought it on installments? A. Yes, sir.

Q. Then you didn't pay cash down? A. No, sir.

Q. So, no portion of that \$280 went out for that? A. Some of it did, for the cloth at headquarters.

By the Chairman:

Q. Did you buy your uniforms 10 days before you were appointed? A. No, sir.

Q. You borrowed the money 10 days before you were appointed? A. Yes, sir.

By Mr. Jerome:

Q. What did you state to your mother that you borrowed

the money for? A. I didn't state to her anything at the time; I told her after I was going to get married.

Q. Did you get married? A. Yes, sir.

Q. On that money? A. On part of that money.

Q. When were you married? A. I was married about two years after; not to the same girl I was going with at the time.

By the Chairman:

Q. You said you were married two years after, did you?

A. Yes, sir.

By Mr. Jerome:

Q. How much cloth did you get at police headquarters? A. First, about \$16 or \$18 worth.

Q. When did you get that? A. November.

Q. What else did you get? A. I got shoes.

Q. What did you pay for those? A. Three pairs of shoes; about \$15.

Q. Did you pay \$5 a pair for them? A. I did; we need heavy shoes in this business.

Q. What else did you get? A. I got a revolver.

Q. How much was that? A. Fourteen dollars.

Q. Did you pay for that cash down? A. Certainly; yes, sir.

Q. What else did you get? A. I got three clubs and a belt.

Q. What did they cost you? A. About \$2.50 to \$3.

Q. What else? A. Rubber coat.

Q. What did that cost? A. Four dollars and fifty cents.

Q. What else? A. Uniform hat.

Q. What did that cost? A. Two dollars and twenty-five cents.

Q. What else? A. Pair of nippers.

Q. What did that cost? A. Seventy-five cents.

Q. What else? A. Three suits of underclothing.

Q. What did those cost? A. Ten dollars in all.

Q. What else? A. Citizens' clothes.

Q. What did they cost? A. Twenty-five dollars.

Q. What else? A. Citizen's hat.

Q. What did that cost? A. Three dollars.

Q. What else? A. Police gloves.

Q. What did they cost? A. Two pair; about \$3.

Q. What else? A. Bedclothing.

Q. What did that cost? A. About \$15 in all.

Q. What else? A. Carfare.

Q. How much for carfare? A. Carfare and my meals downtown for the month, about \$30.

Q. What else? A. More I spent going around down-town during the recess.

By the Chairman:

Q. What do you mean by the recess? A. When we would go out to meals.

By Mr. Jerome:

Q. That is \$142; what did you do with the rest? A. The rest, I kept most of it.

Q. Do you remember having a talk with me yesterday? A. Yes, sir.

Q. Do you remember me telling you that neither you nor I were born yesterday? A. Yes, sir.

Q. And that this was the chance of your life? A. Yes, sir.

Q. To tell the truth here? A. Yes, sir.

Q. Have you talked with anybody since you have been in the courtroom? A. No, sir; only one man outside, Mr. Grant.

Q. Mr. Grant told you to tell the truth? A. He asked me what I was doing here; I told him I was here as a witness.

Q. You told Mr. Grant what you did with that money? A. No, sir; I told him I spent it.

Q. Did you not tell Mr. Grant what you did with that money? A. I told him I spent it going up and down town and buying uniforms.

Q. Didn't you tell him that you made another disposition of the money than you have stated here? A. No, sir; I didn't tell him every article that I have stated here.

Q. Didn't you tell Mr. Grant that there was certain person to whom you had paid some of this money? A. No, sir; I didn't.

Q. Are you quite positive? A. Yes, sir.

Q. From whom did you get this money? A. From my mother.

Q. All of it? A. Yes, sir.

Q. When did you pay it back? A. I paid it back in about six months after or so.

Q. You remember that your father sued you in the City Court? A. Yes, sir.

Q. Did you not state to your father that you wanted this for the appointment to the force? A. No, sir; I didn't.

Q. Do you know Levy, the tailor? A. Certainly I do.

Q. Do you know whether he is any relation to the ward man Levy or not? A. I don't know anything about him.

Q. Did you ever hear that he was? A. No, sir.

Q. Did you ever have any conversation with him about it? A. No, sir; never heard of a ward man named Levy.

Q. You state here that you have never paid to anyone any sum of money? A. Yes, sir.

Q. To whom did you make your application for appointment? A. To Commissioner French.

Q. Did you take a letter to him? A. Yes, sir.

Q. From Dr. Satterlee? A. No, sir.

Q. From whom? A. Percy R. Pine, Riverdale.

Q. Did you take a letter from anyone else? A. Yes, sir, I did afterward; Dr. Satterlee.

Q. Then you were examined before the civil service commissioners? A. Yes, sir.

Q. Did you talk with the district leader in reference to this matter? A. No, sir, I didn't.

Q. Did you not talk with anyone in reference to your appointment? A. No, sir, I didn't.

Q. You didn't see anyone? A. No, sir.

Q. Never spoke to him about it? A. The boys around the village, that is all.

Q. Did anybody speak to you about it being necessary to get influence? A. No, sir.

Q. Put up any money? A. No, sir.

Q. Now, you recollect Officer Shea testifying here, do you not? A. I saw it in the papers; yes, sir.

Q. He was in your precinct, wasn't he? A. No, sir.

Q. You have seen him since? A. No, sir.

Q. Have you not seen Officer Shea since he testified here? A. I saw him at drill; that was all.

Q. You have not talked with Officer Shea? A. No, sir.

Q. Never talked to him about coming down here? A. No, sir.

Q. Or spoke to him? A. No, sir.

Q. Only saw him? A. Yes, sir; never spoke to him.

Q. You read his testimony in the papers? A. Yes, sir; part of it.

Q. The money was given to you in bills, wasn't it? A. Yes, all bills.

Q. What did you do with it? A. I just told you what I did with it.

Q. You carried it with you? A. Yes, sir.

Q. All the time? A. Yes, sir.

By Senator Cantor:

Q. Where did you live at the time your application was made for appointment? A. Riverdale; Hudson Park, Riverdale.

By the Chairman:

Q. Why did you borrow at that time from your mother, more money than was necessary, according to your own schedule here to provide you with clothes and uniform? A. I am just after telling this gentleman that I borrowed it on conditions; I was going to get married and I didn't get married at the time; I just told him that.

Q. Were you engaged at that time? A. Yes, sir.

Q. Had a date for marriage been fixed for that time? A. Well, partly; yes, sir.

Q. How long had you been engaged? A. About two months.

By Mr. Jerome:

Q. Do you know when your father was first served with a subpoena? A. What subpoena?

Q. The subpoena of this committee? A. No, sir; I do not.

Q. Haven't you seen him since he was served with a subpoena? A. I seen him coming into the courtroom.

Q. Haven't you seen him elsewhere? A. No, sir.

Q. Have you seen your mother? A. No, sir; only in the courtroom.

Q. Have you seen her elsewhere? A. No, sir.

Q. How long since you saw her before? A. May be six months ago, at Kingsbridge.

Q. And not since then? A. No, sir.

Q. How long since you have seen your father? A. In court to-day; I saw him at Kingsbridge about the same time that I saw mother.

Q. You haven't seen him since that time? A. No, sir.

Martin Morrison, called on behalf of the State as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Jerome:

Q. You are a gardener, are you not? A. No, sir; I am a workingman.

Q. Up at Riverdale? A. Yes, sir.

Q. You are the father of Martin Morrison, who is on the police force? A. Yes, sir.

Q. Do you remember suing your son back in 1892? A. Yes, sir.

Q. For \$300? A. Yes, sir.

Q. In the City Court? A. Yes, sir.

Q. Which you stated that you had loaned him? A. Yes, sir.

Q. Did he borrow that money from you? A. Yes, sir.

Q. When? A. Well, I couldn't exactly tell you; after he got on the force.

Q. After getting on the force he borrowed it? A. Yes, sir.

Q. Who was your lawyer? A. I forget now what his name was.

Q. Wasn't his name Walter L. McCorkle? A. Yes, sir.

Q. Of 29 Wall street? A. Yes, sir.

Q. Didn't you state that you had loaned your son this money on the 15th day of October, 1888? A. That is right, sir.

Q. That was before he was appointed to the force? A. No, sir; that was after he had been on the force.

Q. He was on probation then? A. Yes, sir.

Q. Hadn't been appointed a full officer, then? A. He was on probation when I loaned him the money.

Q. What did he say he wanted the money for? A. Well, I could not say.

Q. Why not? A. Well, he didn't tell me what he wanted the money for.

Q. What did you swear in the City Court that he wanted the money for? A. What did I swear?

Q. That is what I asked you. A. I swore that he borrowed the money off me.

Q. For what? A. I didn't say for what.

Q. Didn't you tell Mr. McCorkle that he borrowed the money from you to get on the police force? A. No, sir.

Q. Was it your money? A. It was my money.

Q. Didn't you get it from your wife? A. No, sir; I didn't get it from her.

Q. Didn't she go to the savings bank and draw out \$200, and you put \$100 to it? A. One hundred dollars to it?

Q. Yes? A. Where did I get it?

By the Chairman:

Q. Didn't she draw \$200 out of the savings bank? A. No, sir.

Q. And you put \$100 to it? A. No, sir; she didn't.

By Mr. Jerome:

Q. You had all the money? A. She drew \$180 out of the bank.

Q. You put \$100 to it? A. No, sir.

Q. How much did you put to it? A. I went and drew \$100.

Q. Then you gave your son \$280? A. I never gave him a cent in my life.

Q. What did you do with this money? A. It don't make any difference; I can swear that I never gave my son one cent since he was born.

Q. What did you do with this money? A. That is my business.

By the Chairman:

Q. Answer the question. A. I say that I gave it to my wife; this money I gave to my wife; I never gave a cent in my life to my son since ever he was born; not one dollar; I gave this money to my wife to pay my expenses.

Q. Your expenses? A. Yes, sir; and his expenses.

Q. Did you give any part of this money to your wife to pay your expenses? A. Certainly.

Q. What expenses? A. Why, I was in debt and am in debt to-day.

Q. Do you know whether or not your wife paid any expenses out of that money? A. That I can not say.

Q. Don't you know that as a matter of fact that she did not? A. No, sir; I do not.

Q. You understand that you are under oath? A. Yes, sir.

Q. You understand that if you perjure yourself or swear falsely it is just as much perjury here before this committee, as it would be before a court of law? A. I do understand that.

By Mr. Jerome:

Q. Now, you swore in your complaint in the City Court that on or about the 15th day of October, 1888, in the city and county of New York, the defendant—that is your son—borrowed from you the sum of \$300 in currency and at the same time agreed to return the same to this plaintiff within a very short time; that although plaintiff has made frequent demands upon the defendant for said sum of \$300 the defendant has failed, refused and neglected to pay the same or any part thereof? A. That is true.

Q. Was it when you swore to it? A. I never gave my son not one dollar.

By the Chairman:

Q. Was that false then what you swore to it? A. What?

Q. Was that false? A. No.

Q. He is reading now from the complaint that you swore to in that case; is that false? A. No, sir.

Q. Then that is true, is it? A. That is true.

Q. Then you loaned your son \$300 at that time? A. I did; but I didn't give it to my son; don't you understand?

By Mr. Jerome:

Q. You gave it to your wife to give to your son? A. Yes; and he got it from my wife through me.

Q. What did your son say to you when he came to you to borrow it? A. What?

Q. What did your son say to you when he came to you to borrow it? A. Well, he wanted the money.

By Senator Bradley:

Q. What did he say? A. He didn't say what he wanted it for, but we found out later that the son was going to get married unknown to us.

By the Chairman:

Q. Didn't he say to you that he was on probation on the police force and that he needed that money for the purpose of being permanently appointed? A. No, sir.

Q. Don't you know that the money was used for that purpose? A. No, sir; he never said a word of the thing to me.

By Mr. Jerome:

Q. He didn't tell you at all what he wanted the money for? A. No, sir; he didn't tell me; but I found out afterward —

Q. What did he tell your wife that he wanted it for? A. He told the wife — the wife found out that he was going to get married and he used the money for marriage money.

Q. And he did use it for that very purpose? A. Yes, sir.

Q. Two years later when he was married? A. Yes, sir.

Q. You recollect his keeping that money for two years, do you, until he got married? A. I don't know what he done with the money; that is none of my business what he done with the money.

Q. When did you see your son last? A. I seen my son about four months ago.

Q. Where? A. Down at the place.

Q. Haven't you seen him since then? A. No; I seen him here in court to-day.

Q. Haven't you seen him since that? A. No, sir.

Q. Within four months? A. No, sir; I was not talking to him.

By the Chairman:

Q. Did you speak with anybody about this testimony that you were going to give to-day? A. No, sir.

Q. Haven't you spoken about what you have testified to here to-day, with anybody else? A. No, sir.

Q. Has nobody spoken to you about what you were going to swear to here? A. No, sir.

By Senator Bradley:

Q. Which is true, what you swore in the City Court, or what you swore here to-day; which is true? A. They are both true; I never gave a cent to my son in my life.

Margaret Morrison, called by the State as a witness, being duly sworn, testified as follows:

By Mr. Jerome:

Q. You are the mother of Policeman Morrison? A. Yes, sir.

Q. And the wife of Mr. Morrison, who was just on the stand?

A. Yes, sir.

Q. Do you remember your son getting some money from you back in 1888? A. Yes, sir.

Q. How much did he get? A. Three hundred dollars.

Q. Where did you get it from? A. It belonged to my husband, and he was working, and he gave me the privilege of counting the money to him.

Q. What was it given to your son for? A. I never could know, but, in a short while after, some time after, I found out that he wanted to prepare to get married.

Q. What did he say he wanted it for? A. He didn't tell a word; he didn't ask me for it, for I hadn't a dollar; he asked his father for the loan of it, and his father was not home, and I merely counted it to my son through the father.

Q. Why was it that your husband gave you the privilege of counting it, did he say? A. He was not at home; he was attending to work, and couldn't afford to stay at home.

Q. You had the money in your possession, had you? A. The money was in the house.

Q. Your son repaid you that money, did he? A. No; he never paid me.

Q. Did he repay his father? A. Well, his father supposed he was worthy of it; he was always a very good boy, and turned in his money until he got married.

Q. But his father sued him for the money? A. I know he did.

Q. Did you have any conversation with the father about why you were to give your son this money? A. No, sir.

Q. Not at all? A. No, sir.

Mr. Ransom.—Is this material?

The Chairman.—Only in connection with the testimony of the husband to contradict it.

Q. He didn't tell you? A. He told me that the son asked him for it, and, if he wanted it, for me to count it out to him.

By the Chairman:

Q. That is, you could turn it over to him? A. Yes, sir; turn it to him.

By Mr. Jerome:

Q. At that time your husband was living at home? A. Living at home.

Q. He had to come home every night? A. Certainly, every night.

Q. Where was your son living then? A. He was living home.

Q. At the house? A. Yes, sir.

Q. And every night your husband and son would be home to their dinner, wouldn't they? A. Yes; home to supper; he would not be home when they would be home.

Q. Your son? A. My husband would be late coming home.

Q. Wasn't he there in the morning, when your son was there?

A. Some of the time he might be, and some of the time he was not.

Q. Did you hear any talk in the family about this money? A. I didn't hear any talk at all.

Q. He simply said he wanted \$300? A. I don't know what he said to his father; he never asked me for a dollar.

Q. What did his father say? A. When he asked me for his money to hand it over to him.

Q. How long after that did his son ask you? A. Asked me what?

Q. For the money? A. Well, I couldn't say.

Q. What did he say when he asked you for it? A. He didn't ask me for it; he said, "Has father left some money there for me?"

Q. And you took \$300 right out and gave it to him? A. Yes, sir.

Q. When did you last see your son? A. Until I seen him here to-day, I haven't seen him since last summer up in Van Cortlandt Park.

Q. That is how long ago? A. I suppose it is a year this summer.

Q. You haven't seen him at all since this subpoena was served on you? A. No, sir.

Q. Did you get any word from him? A. No, sir; not a word.

By the Chairman:

Q. Didn't you draw \$180 out of the bank for the purpose of making up these \$300 to give to your son? A. Well, I didn't have no money in the bank.

Q. Didn't you have money in the savings bank and draw it out? A. We often had money in the savings bank.

Q. Didn't you draw \$180 out of the savings bank to make up these \$300 that you gave your son? A. That I couldn't say, for I often, very often, drew out money.

Q. The money was in your name? A. The money was always in my husband's name, and in mine; we got along that way.

Q. In your joint names? A. Yes, sir.

By Senator Bradley:

Q. You couldn't possibly forget the drawing of such a large amount of money out of the savings bank, could you; \$180, you would surely remember that such a short time ago? A. Perhaps, if I did, I don't know; it is so long ago.

Q. What bank did you have your money deposited in? A. The Yonkers Bank.

Amelia Sentz, called by the State as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. State your residence? A. No. 150 East Twenty-seventh street.

Q. You understand that any testimony that you give here in this matter is protected, do you not? A. Yes, sir.

Q. And that your obligation is to tell the truth? A. Yes, sir.

Q. That the only fear is that if you do not tell the truth you may be punished for perjury? A. Yes; I will tell the truth.

By the Chairman:

Q. Do you understand that? A. I understand it.

Q. Do you understand that your testimony is protected? A. Yes, sir.

Q. And that you can not be prosecuted for any testimony that you give before this committee? A. Yes, sir; I understand that.

Q. Excepting that if you swear falsely, then you can be indicted and punished for perjury; do you know that? A. I understand it.

By Mr. Moss:

Q. You kept a saloon at 732 Cortlandt avenue, did you not? A. Yes, sir.

Q. When did you have that saloon? A. I had that saloon one year.

Q. What was the year? A. From 1888 to 1889.

Q. That is in the city of New York, in the Annex District, is it not? A. Yes, sir; Morrisania.

Q. Do you know what police precinct? A. I couldn't tell you the name, except I know the detective.

Q. Do you know the name of the captain of the precinct when you were there? A. No, sir.

Q. Do you know where the station-house is? A. Yes.

Q. Whereabouts? A. One Hundred and Sixtieth street.

Q. What avenue? A. Washington avenue.

Q. Did you have a conversation with a man named Trott, looking to the protection of your saloon in doing business on Sunday? A. Yes, sir.

Q. Who was that man Trott? A. He was a friend of the detective;

Q. What detective? A. Sherman.

By the Chairman:

Q. Is he a ward man? A. He was a detective.

By Mr. Moss:

Q. Was he a detective connected with the police station? A. Yes.

Q. And this Mr. Trott, what was his name? A. Henry Trott.

Q. And he spoke to you about Detective Sherman; now, what did he say to you? A. He said I would do good if I tried to stick with the police and give them some money so they would protect me if I can keep open on Sunday.

Q. Do you know what Trott's business is? A. I couldn't tell you.

Q. Is he connected with any of the courts down town? A. Yes, sir.

Q. What court? A. I guess the Tombs.

Q. The Tombs? A. I don't know for sure; I think the Tombs.

Q. He is connected with one of the courts down town at any rate? A. Yes, sir.

Q. Now, as I understand you, he said you had better stand in with the police? A. Yes, sir.

Q. What for? A. To protect me on Sunday; I was afraid to keep open on Sunday.

Q. Did you keep your saloon open on Sundays? A. We kept in the back open, not in the front.

Q. Did business there? A. Yes, sir.

Q. Now, did you have a conversation with Detective Sherman in pursuance of this conversation with Trott? A. Well, he came in and he wanted money.

Q. That is, Sherman came? A. Yes, sir.

Q. Tell us just what he said? A. He didn't ask me straight for the money; he came the fifth or the sixth, after the rent, and he says: "You know what for I come;" so I had to pay him every month.

Q. What did you pay him? A. Five dollars every month.

Q. Five dollars every month you paid to Detective Sherman?
A. Yes, sir.

Q. You used the expression "rent;" what did you mean by that? A. I say he used to come and collect the money after the rent.

Q. After you paid the rent? A. Yes, sir.

Q. That was regular, every month? A. Yes, sir.

Q. How long did these payments to Sherman continue? A. As long as I had a saloon; until I locked it up.

Q. How long was that? A. For about a year.

Q. Then for 12 months you paid Detective Sherman \$5 every month? A. Yes, sir; I think it was 10 or 12 months.

Q. And during that time you kept your saloon open and did business? A. No; I was arrested once.

By Senator Bradley:

Q. You were arrested once? A. Yes, sir.

By Mr. Moss:

Q. Who was arrested? A. My husband was arrested.

Q. Who arrested him? A. I couldn't tell you the name; I forgot the name of the detective.

Q. One of the detectives of that precinct? A. Yes, sir.

Q. Did you know that your husband was going to be arrested before he was taken? A. No, sir.

Q. What became of your husband's case? A. They put it beside, I think.

Q. That is, you mean it has never been tried? A. No, sir.

Q. How long ago was that? A. It is about three years ago now; I gave the saloon up and closed it, and I have been living private since.

Q. Three years ago this case was made against your husband?
A. Yes, sir.

Q. But has never been brought up for trial? A. No, sir.

Q. Did Mr. Sherman come into the saloon on Sunday himself?
A. Well, no; not that I recollect on Sunday, but on the other evenings.

Q. How frequently did he come in; how often did he come in in that year? A. He didn't come so very often; once in a while he used to come in; he used to come once in, the time when he collected the money.

Q. Do you know an excise inspector by the name of Emerick?
A. Yes, sir.

Q. Did you have any visits from Mr. Emerick concerning this saloon? A. When I bought this saloon I made application for a license; then Emerick came and he said to me that he wanted \$10, or I would have to lock the saloon.

Q. Had you received a license at that time? A. No, sir.

Q. But you were doing business without a license? A. No; I had the other license.

Q. Hadn't that expired? A. Well, I had the license from the man I bought the place.

Q. But it had not been transferred? A. No, sir; but I had made application.

Q. You had made application for the transfer? A. Yes, sir.

Q. But you didn't at that time have a license in your own name? A. No, sir.

Q. Mr. Emerick came to you and said you might do business if you paid him \$10? A. Yes, sir; I said, "I don't take in \$10;" I wouldn't give it; I locked the place for 10 days.

Q. Have you got your license? A. Yes, sir.

Q. And you went on then without any regard to Mr. Emerick? A. Yes, sir.

Q. Did he not try to blackmail you for \$10? A. Yes, sir.

By Senator Cantor:

Q. You didn't give him the money? A. No, sir.

By Mr. Moss:

Q. Was your husband, Carl Sentz, present on any of these occasions when money was paid to Mr. Sherman? A. Well, I don't think so; I always gave it to himself; mostly I paid him.

By Senator Bradley:

Q. Didn't you pay him all the time? A. I paid him all the time; yes, sir.

Q. That is not mostly? A. All the time.

The Chairman.—We will assume that when a witness pays corruption or bribe money that they do not go around with a brass band to do it. They generally do it alone.

Mr. Ransom.—The clergyman from Plattkill would seem to be of a contrary opinion.

The Chairman.—That was done with the hand behind the back.

By Mr. Moss:

Q. I think there may be an error in our understanding of

the dates; do you mean to say that this saloon was kept by you from the year 1888 to the year 1889? A. Yes, sir.

Q. So that you gave up the saloon about five years ago? A. No, sir; three years ago.

Q. Three years ago? A. Yes, sir.

By Mr. Ransom:

Q. It was 1888 when you commenced keeping this saloon? A. Yes, sir.

Q. Up to 1889? A. Yes, sir.

Q. You were there one year? A. Yes, sir.

Q. Did you ever see Sherman, this ward detective, this friend of Trott, before Mr. Trott brought him to you? A. Yes, sir; he used to keep the saloon before.

Q. Who? A. Trott?

Q. Had you ever seen Sherman before? A. No, sir.

Q. Have you seen him since you gave up the business? A. Not since the time.

Q. Since you gave up the business of keeping a saloon, you haven't seen him? A. No, sir.

Q. You have sworn that he was a detective; how do you know that he was a detective? A. Well, because he said himself that he was the detective.

Q. That is all you know about it? A. Yes, sir; that he was the detective.

Q. You only know because he said he was; is that right? A. I know that Henry Trott said, too, that he was.

Q. And Henry Trott said he was? A. Yes, sir.

Q. Was Trott ever with Sherman when you paid him? A. No.

Q. The detective came alone? A. All alone.

Q. Did you ever see Sherman except at the saloon? A. I didn't see him any other place; sometimes on the street when I passed he came from the court.

Q. Was he in the uniform of a policeman? A. No.

Q. Citizen's clothes? A. Citizen's clothes.

By Mr. Moss:

Q. Do you know what Sherman's first name was? A. Charles, I think.

Q. What sort of work was he doing, when you saw him; was he doing police work?

The Chairman.—Say, if you know, whether he was or not?

A. I couldn't tell.

Q. Did I understand you to say that you saw him coming

from court? A. Yes, sir; sometimes he was down in the court; I seen him coming down.

Q. What court? A. In the station-house, I mean.

Q. In the station-house? A. Yes.

Q. Did you see him going into the station-house? A. Yes; I seen him often go into the station-house, and go out of it.

Q. Trott, you say, kept the saloon before you did? A. Yes, sir.

Q. Do you know whether Trott paid any money to Mr. Sherman? A. Yes, sir; he said to me that we have to keep together.

Mr. Ransom.—I object to that.

Mr. Moss.—We are not trying a case, Judge Ransom. These are the first witnesses that we have produced on the subject of the blackmail of saloons. Recognizing the fact that they are not voluntary witnesses, I think we have the right, when they are on the stand, to get all the clues that we can.

The Chairman.—As I understand, you also expect to prove the fact by Mr. Trott himself.

Mr. Moss.—We have sent over for Mr. Trott.

Mr. Ransom.—Then let him trot in.

Q. Is that all the knowledge you have that Trott paid, because he told you?

Mr. Ransom.—But the chairman excludes that.

The Chairman.—I do not think it is proper to put in that evidence, unless we find that we can not get it any other way.

Q. How long had you known the saloon before you bought it? A. I hadn't known the saloon at all; I was a stranger when I bought it.

Q. During the time that you paid these moneys to Mr. Sherman, did you have any difficulty about doing business on Sunday excepting that one arrest? A. I never was arrested; no.

By Mr. Ransom:

Q. You said you had seen Mr. Sherman going down to the station-house? A. Yes, sir.

Q. Had you seen Mr. Trott going down there? A. Yes, sometime.

Q. Did you ever see anybody else go down there, except Mr. Sherman and Mr. Trott? A. Well, I seen him going down with policemen, often.

Q. You have seen other people go down to the station-house? A. Yes, sir.

Q. Been down there yourself? A. No, sir.

Q. Did your husband ever go down there? A. My husband got arrested once, yes, sir.

Q. Did he ever go down when he was not arrested? A. No, sir.

By Mr. Moss:

Q. Did he ever show you his badge? A. Yes, sir; I seen the badge on him.

Q. Do you know what it said on the badge? A. Well, I didn't look; I seen he had a badge.

Q. Describe the badge as well as you can? A. Well, it was kind of large.

Q. Like the shield? A. Yes, sir.

Q. Square shield? A. Yes, sir; something like a policeman's shield; a little smaller.

Q. Have you observed the shield that was on the witness, Policeman Morrison? A. No, sir.

Q. You see a police officer over there; was it like that? A. something like it.

Q. The same color? A. I think it was smaller, a little smaller.

Mr. Moss.—They have changed the badges.

Senator Cantor.—We will take judicial notice of the fact.

Carl August Sentz, called by the State, as a witness, being duly sworn, testified as follows:

By Mr. Moss:

Q. The previous witness was your wife, was she not? A. Yes, sir.

Q. You and your wife kept this saloon at 732 Cortlandt avenue, in this city, did you not? A. This time I was not married to my wife.

Q. But you were there? A. I was there attending to the business.

Q. Attending to the business of the saloon? A. Yes, sir; my wife was a widow and she ran the saloon, and I attended it with her.

Q. Do you know a police officer by the name of Charles Sherman? A. Yes, sir.

Q. Do you know that he was a police officer? A. Yes, sir.

Q. Attached to the station at One Hundred and Sixtieth street? A. One Hundred and Sixtieth street and Third avenue; I saw him the time I was arrested; they arrested me, one of them other policemen, and I saw Mr. Sherman at the station.

Q. Tell us any transactions that you had with Mr. Sherman? A. I only can tell that Mr. Trott gave a recommendation of Mr.

Sherman and said he would send a man over there and we shall give something every month, and then he will protect us; then afterward Mr. Sherman came over there, and my wife gave him \$5, and he showed up every month; he didn't stop in the other times, very seldom, only when the time was to collect the money; then he would show up.

Q. You are clear and positive that \$5 a month was paid to Mr. Sherman? A. Yes, sir; that is right.

Q. And he was a police officer? A. Yes, sir.

Q. During that time when you paid the \$5 a month, did you keep your saloon open on Sundays? A. We got closed from the front.

Q. But the back door was open? A. Well, it was not open, but we let people in.

Q. And sold them liquor? A. Yes, sir.

Q. Lager beer? A. Yes; there was very little business there.

Q. But there was some business? A. Yes.

Cross-examination by Mr. Ransom:

Q. What is your business now? A. Machinist.

Q. Where are you employed? A. One hundred and eighty-eight — right here by the bridge.

Q. Park Row? A. No, William street; 188 William street, by Mr. Lippman.

Q. How long have you been married? A. Three years.

Q. The lady who is now your wife was a widow? A. Yes, sir.

Q. Was she keeping this saloon when you married her? A. No; she gave up the saloon, and after that we were married, the same year.

Q. Were you the barkeeper when she was keeping the saloon? A. Yes, sir.

Q. Did you pay the money to Sherman, I asked you? A. I guess two or three times.

Q. Was there anybody present when you paid him besides you and Sherman? A. Only between us three.

Q. Did he hold his hand out in the front, or did he put it behind him? A. No; he held it out in front.

Q. He held it out in front up there? A. Yes, sir.

Q. You said that Sherman was a police officer? A. Yes, sir.

Q. Did he wear a uniform? A. No; he was in private clothes.

Q. He didn't wear any uniform? A. No, sir.

Q. Who told you he was a police officer? A. Mr. Hen. Trott.

Q. Mr. Trott? A. Yes, sir.

Q. Nobody else? A. Well, I heard it from the neighbors.

Q. Some of the neighbors said he was a police officer? A. Yes, sir; they said, "That is the ward detective."

Mr. Ransom.—Somebody said he was the ward detective. They might have said that he was something else, I suppose, too.

By the Chairman:

Q. Did you see a badge on him, a shield? **A.** Yes, sir.

Q. A policeman's shield? **A.** Inside.

Q. A policeman's shield? **A.** I don't know what was on there.

Charles Buser, called by the State as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

(The answers were interpreted by the chairman.)

Q. Where do you live? **A.** Three hundred and twenty-five East Fifth street.

Q. What is your business? **A.** I was a beer bottler.

Q. Have you ever been in any disorderly houses? **A.** Yes; in lots of them.

Q. Within the last two years? **A.** In the last year.

Q. That was in your business capacity, supplying beer, was it not? **A.** Yes; in my business as a beer bottler.

Q. Do you know whether these houses were open and doing business? **A.** Yes; all of them.

Q. Please name the houses that come to your memory? **A.** Seventy Forsyth street, 56 Rivington street.

Q. Any others? **A.** I have been in more than 100.

Q. Now, give the names of them? **A.** The whole block in First street, from the Bowery to Second avenue; on the south side of the block there were four houses, and on the north side, nothing but houses of that description; all open and doing business.

Q. Go ahead and name some more? **A.** No. 30 Houston street was another; 104 Fourth street; there were only two girls in that house; almost all of them were houses; first comes a cigar store, then a saloon, and all the others are houses of ill-fame; all these were open.

By Senator Cantor:

Q. What period are you speaking of now? **A.** That was until the 1st of December, until Captain Cross came there, and he wouldn't take protection, and they had to move.

By Mr. Moss:

Q. Up to that time they were all open? **A.** Yes, sir.

Q. Now, I ask you to name some of these cafes in which there were prostitutes, and where immoral practices were carried on?
A. I want to be very careful about that; they were inside, and I couldn't see them.

Q. Let me direct your attention to several cafes; 52 East Fourth street, do you know that place? A. Yes; I delivered beer there.

Q. Kept by Flora Walters? A. Yes, sir.

Q. Do you know whether Flora Walters paid anything to the police? A. She paid \$15 a month to Detective Hoch.

By Mr. Ransom:

Q. Why not ask him how he knows it? A. He went around about on the 5th, making his tours of all the houses of ill-fame, and on one occasion she didn't have money; on the 5th, she didn't have money; Hoch is a German, or he speaks German well, and he said, "If you don't want to have trouble, I will come to-morrow, but look out that you have money then;" he was speaking English to her, and I understood what he said, but not exactly, or accurately, word for word.

Mr. Ransom.—I was going to ask you, Mr. Chairman, why you might not ask him the natural inquiry which suggests itself to my mind, as to how it is that he understood Hoch, if he can not speak English to-day?

The Witness.—I didn't understand everything.

By the Chairman:

Q. How much of that did you understand? A. I understood him to say, "I come to-morrow evening;" I heard him say "Money."

By Mr. Moss:

Q. I call your attention to No. 6 East Eighth street; was that kept by Max Rosenthal? A. (Not interpreted); yes.

The following answers and questions were not interpreted except where noted.

Q. Do you know whether Max Rosenthal paid any money to the police? A. Yes.

Q. How much did he pay? A. Thirty-five dollars.

By the Chairman:

Q. When? A. A month.

By Mr. Moss:

Q. How do you know that; tell us how you know it? A. (Inter-

preted.) Why, I know; I go there the whole year and have business with them and visit them; we talked together; that is how I know it.

Q. You know it by your intimate relation with Rosenthal; is that it? A. I know it because Rosenthal told me it himself.

Mr. Ransom.—I move to strike that out now.

Mr. Moss.—No; let it stand for what it is worth.

The Chairman.—I think as long as it is on the record, that it might as well stay there, with leave to you to move to strike it out in case they do not produce Rosenthal on the stand; it might be used to corroborate his evidence.

Q. I call your attention to No. 246 East Sixth street, kept by Berthold Rosenthal? A. Yes.

Q. Do you know whether Berthold Rosenthal kept any place and paid any money—

Mr. Ransom.—I wish to record an objection to his testifying to any hearsay from the proprietor of this saloon.

Senator Bradley.—Ask him if he knows.

The Chairman.—Ask him whether he saw any money paid.

Q. Did you ever see Berthold Rosenthal pay any money? A. (Interpreted.) I never did, but the people told me about it.

Q. Who told you?

Mr. Ransom.—I object.

Mr. Moss.—I want to know who to subpoena.

The Chairman.—The objection is overruled. It is not evidence though, except for the purpose of tracing persons who know.

Mr. Ransom.—I withdraw the objection, if that is the purpose of that question.

Q. Now, who told you? A. (Interpreted.) Nobody but Rosenthal himself told me that; Mr. Swartz told me he paid \$40 a month.

By the Chairman:

Q. Where was Swartz? A. (Interpreted.) He lives in my house, 325 East Fifth street.

By Mr. Moss:

Q. Swartz told you that he paid \$40 a month? A. Yes, sir.

Q. How about Mrs. Klauser? A. (Interpreted.) She used to have a cafe at No. 273 Houston street; there she had to pay \$8 monthly.

By the Chairman:

Q. Who told you so? A. She told me so; in my business I am told that all the time.

By Mr. Moss:

Q. You are told that all the time? A. Yes, sir.

Q. Those persons whom you have mentioned, Flora Walters, Max Rosenthal and Berthold Rosenthal and Mrs. Klauser, what business were they doing? A. (Interpreted.) They had cafes with girls.

Mr. Ransom.— May I ask a few questions?

The Chairman.— Certainly.

Cross-examination by Mr. Ransom:

Q. Do you know the whereabouts of these persons that you have named, Flora Walters, and the two Rosenthals, Swartz and Mrs. Klauser? A. (Interpreted.) I don't know where Klauser lives; Swartz lives still in his place; Berthold Rosenthal is still in his place; Max Rosenthal has moved from Eighth to Fourth street, and Flora Walters has got a candy store at 708 Eleventh avenue.

Q. You have seen all these persons very recently, I suppose? A. (Interpreted.) I saw them almost every day; every week.

Q. You have seen them all within a week, have you? A. Excepting Klauser; I haven't seen him for some time.

Q. But the others you have seen within a week? A. Yes.

The Chairman.— Mr. Goff, have you gotten out of this witness all that you want?

Mr. Goff.— Yes, sir.

The Chairman.— It seems to me there is more that you might get.

Mr. Goff.— It is very difficult.

Amelia Sentz, recalled by the State, further testifies:

By Mr. Moss:

Q. Have you looked over the dates of the time you had a saloon? A. Yes, sir.

Q. Are you certain now what the date was? A. Yes, sir.

Q. Please give it? A. Eighteen hundred and eighty-nine to 1890.

The Chairman.— Is that all, Mr. Moss.

Mr. Moss.— That is all.

Mr. Goff.— I have a very interesting and somewhat conspicuous witness that I wish to ask a few questions of in the ordinary way — Mr. Gombassy.

Max Gombassy, called by the State as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. You are prepared to give the police department of this city a good character, are you not, Mr. Gombassy? A. What is it?

By the Chairman:

Q. Are you prepared to give the police department of this city a good character? A. I don't know what you mean by that.

By Mr. Goff:

Q. Give them a good character, by testifying as to their honesty and their efficiency? A. I don't know about that.

Q. You don't know about that? A. No.

By the Chairman:

Q. What we want to have is not character, but truth; you understand that? A. Yes, sir.

By Mr. Goff:

Q. You have been the keeper of several noted resorts in this city? A. Not as I know of.

Q. You have been the keeper of resorts? A. That is right; yes, sir.

Q. But you object to the word "noted"? A. I do, sir.

Q. Where have you kept these places? A. All over the city.

Q. All over the city? A. Yes, sir.

Q. These places have been concert-rooms? A. Some of them concerts, some of them restaurants.

Q. You have some brothers? A. Yes, sir.

Q. Will you be good enough to give us their names? A. Yes, sir.

Q. What? A. One of them is Ignatz, the other is Jacob, Alexander and Morris.

Q. Is that all? A. That is all.

Q. Sure you have got the whole of them? A. That is all.

Q. And they were all engaged in keeping these places? A. Oh, no.

Q. I beg pardon; how many? A. Myself.

Q. Only yourself? A. Yes, sir.

Q. Are the rest engaged in business in New York? A. Yes, sir.

Q. What business? A. Restaurant.

Q. Where are their restaurants? A. Second avenue is one.

Q. Second avenue? A. Third avenue is one.

Q. Third avenue? A. Yes, sir.

Q. Where else? A. And myself.

Q. Where is your restaurant at the present time? A. Two hundred and seventy-six Houston street.

Q. How long have you been in this business of keeping concert halls or restaurants? A. About 10 years.

Q. In New York? A. Yes, sir.

Q. Within that period of time, how many times have you been arrested? A. Arrested; that is a hard thing to tell; I guess once.

By Senator Bradley:

Q. It is a hard thing to tell, and yet it is only once? A. Yes.

By Mr. Goff:

Q. Only once in the 10 years? A. Only once in 10 years.

Q. Who arrested you then? A. Inspector McLaughlin.

Q. What were you arrested for? A. Well, the charge was, disorderly house.

Q. For keeping a disorderly house? A. Yes.

Q. Where was the alleged disorderly house? A. It was not.

Q. It was not? A. No.

Q. Where was it situated, the house that was charged as being disorderly? A. Two hundred and seven Bowery.

Q. Didn't you keep a place up near Harlem Bridge at one time? A. No, sir.

Q. Or one of your brothers? A. No, sir.

Q. The Harlem Bridge Hall? A. No, sir.

Q. Nothing to do with any place on Third avenue near Harlem bridge? A. No, sir.

Q. Nor any one connected with you in business? A. No, sir.

Q. You have for 10 years been in the habit of selling drinks in your place? A. No—yes, sir.

Q. Did you always have a license? A. Yes, sir.

Q. You sold on Sundays as well as other days? A. No, I never sold on Sundays.

Q. Never kept your place open on Sunday? A. Kept it open; yes, sir.

Q. What? A. Kept it open.

Q. Kept it open for all persons who would go in there? A. Yes, sir.

Q. What do you sell on Sundays? A. Weiss beer.

Q. Did you sell coffee? A. Well, not in the concert, no.

Q. Well, young ladies were in the habit of visiting your place? A. Yes, sir.

Q. And serving drinks? A. Yes, sir.

Q. Used they appear in evening dress or short skirts? A. On the stage, you mean?

Q. Anywhere? A. No, no; they were all dressed respectably.

Q. Respectably, of course; but didn't young maidens who attended your place serve up drinks to the gentlemen? A. No; no girls were serving; no.

Q. They drank with the gentlemen? A. Well, when they came in with a gentleman they drank with the gentleman.

Q. And when they were invited by gentlemen, they drank?

A. They could drink; yes.

Q. Had you a wine-room in connection with your concert hall?

A. No, sir.

Q. No wine-room? A. No.

Q. You had no wine-room, you say? A. No, sir.

Q. And you closed up your place tight and fast every night at 1 o'clock? A. Yes, sir.

Q. Never violated the Excise Law? A. Never.

Q. Nor did you violate the Excise Law on Sunday? A. No, sir.

Q. And you never had a call from a policeman in your place?

A. I had a right to keep open on Sundays.

Q. You didn't sell liquor though? A. No; I didn't sell liquor.

Q. I say, now, did you have any visits from policemen in your place? A. From policemen?

Q. Yes. A. Not as I know of; no.

Q. You were always attending to your business? A. Well, I don't know no policemen.

Q. Do you know that there are men in New York called policemen? A. I do.

Q. Did you ever see any in your place? A. No, sir.

Q. There were never acts of disorder there that required their presence? A. Outside there was; yes.

Q. Outside of your place? A. Yes.

Q. That is, people who were in your place got disorderly and you put them out? A. Myself.

Q. Turned them over to the police? A. That is right.

Q. And that is the nearest you have ever been to the police in New York? A. Well, pretty near.

Q. Of course, the police never called to see if you closed up at 1 o'clock in the morning? A. Always.

Q. Never sold afterward? A. I closed at 1 o'clock.

Q. And the music stopped? A. The music stopped.

Q. And the lights were turned down? A. Every night.

Q. And the gentlemen and the young ladies were all gone out in the street? A. Yes, sir.

Q. At 1 o'clock? A. Yes, sir.

Q. You have had very friendly relations with the police, have you not? A. Not as I know of.

Q. Haven't you been friendly with them? A. Just so much as you or the next man.

Q. They have always treated you nicely? A. They had no business to treat me any other way.

Q. But they have treated you nicely? A. The same as I deserve.

Q. You deserved the treatment the police gave you? A. Yes, sir.

By the Chairman:

Q. Did the police treat you in a friendly way? A. I don't know what you mean.

Q. Nicely? A. They had no business to treat me any other way.

Q. Did they treat you nicely? A. They had to.

Q. Did they? A. I guess so.

Q. Don't you know how you were treated by the police? A. Just the same as any other man.

Q. Were you treated nicely by the police, or otherwise? A. Just the same as any other man; I don't know what you call nicely.

Q. Then you refuse to answer the question? A. I do not; what is the question.

Q. Were you treated nicely by the police? A. They never harmed me any.

By Mr. Goff:

Q. They never made any complaint against you? A. Well, I guess they did.

Q. How many? A. That I don't know.

Q. So numerous that you can not remember? A. Well, they made some complaints, I guess.

Q. How many, 20? A. I don't know.

Q. Forty? A. I don't know that either.

Q. You have never been convicted of any of the complaints they made against you? A. Never.

Q. Was your place ever raided? A. Yes, sir.

Q. By whom? A. Captain McLaughlin.

Q. Only once? A. Once.

Q. Only once? A. Yes, sir.

Q. And you have never been convicted for that raid? A. No, sir.

Q. Never fined? A. Never fined; no.

Q. And after they raided you, you went back to the old stand and conducted business in the same way? A. I didn't.

Q. Did you go back to the old place? A. No; I couldn't get no license.

Q. You opened up in another place? A. No, sir.

Q. How long did you remain out of business? A. For three years; I am out of business now.

Q. What were you doing for those three years? A. Sporting around.

Q. Living luxuriously upon the result of your business enterprise? A. Yes, sir.

Q. No policeman ever approached you for a drink, did he? A. No.

Q. Nor he never asked you for a \$5 bill? A. Never.

Q. And you don't know anything about paying money, so much a month, to the police? A. I never did.

Q. You never heard of it? A. Well, I heard some talk.

Q. From whom? A. From what I read in the papers, some disorderly houses.

Q. Did you ever have a visit from these gentlemen called ward men?

The Chairman.—Ward detectives.

Mr. Goff.—Did you ever have any visits from them? A. Well, yes.

Q. What was the object of their visits? A. Nothing.

Q. What did they go into your place for? A. Well, I don't know.

Q. To look around? A. I don't know.

Q. Did they talk with you? A. They might have said, "Good evening," that is all.

Q. And bowed themselves out again? A. That is all.

Q. How often did the ward men visit you? A. I don't know.

Q. It is so very frequent? A. Ten years is a long time.

Q. And you kept the places that you have kept in New York for 10 years, and you know — by the way, you read the papers? A. Yes, sir.

Q. You have read of yourself being called the notorious Max Gombassy? A. Yes.

Q. And you have laughed over that frequently with your friends? A. So I do.

Q. And you have read of yourself as being the keeper of the most notorious places in New York, have you not? A. Yes.

Q. And, in fact, you have seen yourself charged in the newspapers with keeping the worst dives in New York, haven't you? A. Charges; yes.

Q. And you never demanded a retraction from the newspapers that charged you with being the worst divekeeper in New York? A. I don't care if they called it to-day.

Q. How is that? A. They can call it to-day.

Q. But you have never denied it? A. No.

Q. And you, being called in public the worst and lowest dive-keeper in New York, and keeping the worst and lowest dives, have never been interfered with, in any manner, by the police of this city, except on one occasion; is that so? A. Once I was pulled; yes.

Q. Once you were pulled? A. Yes.

Q. In 10 years? A. Yes.

Q. And you have had nothing, except that one occasion, but nice treatment from the police? A. Yes.

Q. Are you not now prepared to state on the witness stand what you stated to me over there at the window, that you were prepared to swear to the good character and reputation of the police of this city? A. What?

Q. Are you prepared to swear to that? A. What?

Q. To the good character and reputation of the police of this city? A. To my knowledge; yes.

Q. To their honesty and uprightness? A. To my knowledge, yes.

Q. They never attempted to do or say anything wrong to you? A. No.

Q. Never even suggested the payment of any money? A. Never.

Q. Or the taking from you of even a cigar? A. Well, I never offered him any.

Q. But they never asked you for any money? A. Never.

Q. Or for a cigar, even? A. Never.

Q. So far as you know, distinguished citizen of New York as you are, you can state before this Senate investigating committee, that the police department, and the police of this city, are without blame; is that so? A. From my sight; yes.

Q. From your observation? A. Yes, sir.

Q. And your experience? A. Yes, sir.

By the Chairman:

Q. Did these ward men come to you as often as once a month?

A. I really don't know.

Q. What is your best recollection? A. Once in a while they would come in.

Q. They would drop in, from time to time? A. To see if everything goes all right; yes.

Q. Did they have any purpose or object in coming in there? A. Not as I know.

Q. You said just now, to see if everything is all right? A. That is their business.

Q. What did you mean? A. I had a concert and there were lots of people in there, and they would come in.

Q. How long would they stay, each man? A. A few minutes.

Q. And go right out again? A. Yes, sir.

Q. The character of your various establishments was known, was it not, to the police force of the city? A. It was known to everybody.

Q. A matter of public notoriety? A. It was not public notoriety.

By Senator Bradley:

Q. Didn't you ever give the detectives even a drink of beer? A. I never give nobody a drink unless he pays for it.

Mr. Jerome.—There is nothing else to submit for the day; will you kindly ask the witnesses who are under subpoena to appear to-morrow morning at half-past 10.

The Chairman.—All witnesses subpoenaed for the day and not examined, will appear here to-morrow morning at half-past 10 o'clock, to which time this committee stands adjourned.

Proceedings of the twenty-third meeting of the committee, held in the Court of Common Pleas, part III, in the County Court House, in the city of New York, Friday, June 8, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Jacob A. Cantor, Daniel Bradley and George W. Robertson, of the committee. John W. Goff, W. Travers Jerome and Frank Moss, of counsel for the committee. Delancey Nicoll and Rastus S. Ransom, of counsel for the police board.

Chairman Lexow.—I want to correct an impression apparently that has prevailed throughout some of the newspapers, in reference to some statements I made yesterday, in regard to Captain Siebert. According to one or two of the publications that I have seen this morning, I am stated as having said that no accusation was made against him. What I did intend to say was that the accusations were not as serious as those against some of the other captains, and, therefore, no special exception should be made in his case.

Mr. Ransom.—That is what I understand, but I have not read the papers of this morning.

Chairman Lexow.—I am mentioned as saying there is no charge against Captain Siebert.

Louis Munzinger, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. How many times have you been subpoenaed here? A. This is the second time, sir.

Q. Why did you not appear the first time? A. The first subpoena was mislaid; it was handed to me the same evening I was to appear the same day.

Q. You mean to say that the subpoena was not served upon you the day before the subpoena called for your services? A. No, sir.

Q. You didn't come here afterward to inquire about it? A. Well, I don't know; I was here; my name was not called.

Q. I have called your name half a dozen times—I called your name half a dozen times in this court? A. I was here; the subpoena calls for Wednesday I believe, and it was served on me Wednesday evening.

Q. You received a subpoena duces tecum to produce a roll or roster of the membership of the Pequod Club? A. No, sir.

Q. Do you hold a position in the Pequod Club? A. Yes, sir.

Q. What position? A. Treasurer.

Q. Who is the secretary of that club? A. The secretary is, I believe—Benjamin Doll was one.

Q. What is he—what position does he occupy? A. He is recording secretary.

Q. Whose duty is it to preserve the roll of membership? A. The board of directors.

Q. Is there not some individual officer whose duty it is to keep the membership record? A. I believe it is the secretary's.

Q. Is it the secretary you mentioned now—Doll? A. I believe it is.

Q. How do you spell his name? A. D-o-l-l.

Q. Where is his residence? A. I don't know.

Q. Where is his place of business? A. That I don't know.

Q. You have been a member of the Pequod Club since its organization, haven't you? A. Yes, sir.

Q. How long has Mr. Doll been a member? A. Since its organization.

Q. And you tell us you don't know where the secretary of the club lives or what his business is? A. Yes, sir; I know where his business is.

Q. That is what I asked you? A. He is employed in the surrogate's office; I do not know what employment he has there.

Q. You knew when I asked you what his business was; you understood what I meant? A. No; not exactly.

Q. You did not? A. No.

Q. Then you say he is in some position in the surrogate's office? A. Yes, sir.

Q. In this county? A. Yes, sir.

Q. Now, who is the financial secretary of the organization?
A. Lichtenstein.

Q. Will you spell it please? A. L-i-c-h-t-e-n-s-t-e-i-n.

Q. What is his first name? A. I believe, Abraham; I am certain.

Q. What is he engaged at; what does he do? A. I believe he is in the surrogate's office, too.

Q. Do you know his residence? A. I do not.

Q. Who is the president of the club? A. John C. Sheehan.

Q. Is that the police commissioner? A. Yes, sir.

Q. Who is the vice-president? A. The first vice-president, I believe, is Isaac H. Terrell.

Q. What is Mr. Terrell's occupation or business? A. Sash and blind making, and hardware.

Q. Where? A. On Eighth avenue; I don't know the number, between Twenty-eighth and Twenty-ninth streets.

Q. Who is the second vice-president? A. It is G. T. Springstead.

Q. What is his occupation or business? A. I believe he has an iron yard.

Q. Any more vice-presidents? A. I think not; let me see; I think not.

Q. You are the treasurer? A. Yes, sir.

Q. You are one of the port wardens of New York, ain't you?
A. Yes, sir.

Q. Outside of the officers you have described, are there any other officers in that club? A. Let me see.

Q. A president, two vice-presidents, a treasurer, a financial and a recording secretary? A. I think there is a corresponding secretary, too.

Q. Who is the corresponding secretary? A. I can not tell you that, except the officers changed this year; I think it is—I don't know whether it is Mr. Hillman or Mr. Tweed; I think it is Mr. Tweed.

Q. Is there not a printed book, containing the names of members of the Pequod Club? A. No, sir.

Q. Was there ever a printed book? A. No, sir.

Q. And you have been a member since its organization? A. Yes.

Q. Has there ever been a printed book or pamphlet, containing the names and addresses of the charter members, and active members of the organization? A. I think there was in the beginning.

Q. You swore a moment ago there was not? A. You asked me a printed book of the names of the members.

Q. Yes; I asked you whether there was a printed book containing the names of the members of the organization? A. I said there was not.

Q. Did you ever see books like that? A. Yes.

Q. The book, "Pequod Club"? A. Yes, sir.

Q. Do you recognize that—"Resident members"? A. No, sir; I never looked as far as that.

Q. You recognize that, "Charter members"? A. Yes, sir; I recognize that; I never knew those were in there.

Q. You were treasurer of that organization since its inception, and you never knew there was a list of members there of the club? A. No, sir; that is news to me.

Q. Do you know anything about payments for the preparation and printing of this book called "The Pequod Club"? A. No, sir.

Q. You are treasurer of that club? A. I am treasurer and act under the supervision of the board of directors.

Q. I am not asking you under whose supervision you act; I ask you whether you know anything about the payment of funds for these books of the Pequod Club? A. I do not recollect.

Q. You think these books would be printed and published for nothing? A. No; I do not think so.

Q. Who else would pay for them if the Pequod Club would not pay for them? A. I do not know who would pay for them; nobody, I suppose.

Q. Then they have been printed and published gratis? A. That I can not tell you.

Q. Do you know the member of the club that prints those books? A. I do not.

Q. Will I call to you his name; John J. Daly, 267 Tenth avenue, New York; do you know him? A. I do.

Q. Don't you know he prints and publishes those books for you? A. No.

Q. He printed and published that; there's his name? A. It might be; I don't know he did.

Q. Don't you know he was paid for them? A. If he printed them, I suppose he was.

Q. Don't you know that, as treasurer of the club? A. No, sir.

Q. Payments were made by you, anyhow? A. Payments may be paid out; the committee orders the accounts, and I pay the face value of the bill; I may have paid it and may not; I don't know.

Q. Have you your treasurer's books? A. No, sir.

Q. Where are they? A. They are in the place where they belong.

Q. Where? A. In the Pequod Club.

Q. Haven't you a private memorandum book as treasurer?
A. No, sir.

Q. Have you a bank account as treasurer? A. Yes, sir.

Q. A check-book? A. Yes, sir.

Q. That is in your keeping? A. Yes.

Q. And you have kept the accounts since the organization of the club? A. Yes, sir.

Q. Now, Mr. Munzinger, under the directions of the committee, you will please bring that book here, too? A. I—it is impossible for me to bring that, because I have no right to do that.

Q. Yes, it is yours, sir? A. I have no right to bring those books.

Q. Who has the right? A. The board of directors.

Q. Who are the board of directors? A. I can not name them; I can name a few of them; the board consists of 19 members.

By Chairman Lexow:

Q. Are they in your custody? A. They are in my custody as treasurer.

Q. Then as they are in your custody, Mr. Munzinger, you are bound to bring those books here whether you have the right or not? A. I do not think I have the right to do so.

Q. We will see whether you have or not? A. You will have to force me to do it.

Q. We will see whether the State of New York can not make you produce them in court? A. The board of directors has charge of them.

Chairman Lexow.—Has a subpoena duces tecum been served upon this witness to produce them?

Mr. Goff.—Yes, sir.

The Witness.—No; the subpoena calls to produce a roll of membership, that is all?

Q. You say the roll of membership is not in your custody?
A. No, sir.

Q. But the other books are? A. As treasurer; yes, sir.

Q. Will you produce those books without a subpoena duces tecum, or will you compel this committee to serve a subpoena to produce them? A. I have no right; the custody is in the board.

Mr. Goff.—I suppose, Mr. Chairman, the witness being in the court is subject to the direction of the court, precisely as if a subpoena duces tecum had been served upon him for this business; the only function of the subpoena being to come in court.

The person being in court he is subject to its orders. However, we will see.

Senator O'Connor.—Wont you have to show that the subpoena duces tecum was served on him?

Mr. Goff.—In order to keep the record we—

Chairman Lexow.—I think, Mr. Goff, your proposition applies where the books are in court. There the witness can be compelled to produce them, they being within the court, yes; but where they are away from the court, subpoena duces tecum has got to be served. Were you waiting for anything?

Mr. Goff.—Yes; a moment.

Chairman Lexow.—You might read this while we are waiting. (Handing Mr. Goff a letter.) A subpoena duces tecum was served on the witness at this time by the chairman.

Mr. Goff.—You may go, Mr. Munzinger.

Chairman Lexow.—How about the fee?

Mr. Goff.—The State is never compelled to pay a fee.

Chairman Lexow.—Not in advance; yes.

Mr. Goff.—That is one thing the people relieve us of.

Serapio Arteaga, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Mr. Arteaga, what countryman are you? A. Sir?

Q. Where were you born? A. In Cuba.

Q. How long have you lived in this city? A. I have been here since 1851.

Q. In this city? A. Yes, sir.

Q. In 1891 did you open a saloon in this city? A. Yes.

Q. Whereabouts? A. Three hundred and fifty-two Eighth avenue.

Q. And near what street is that? A. Between Twenty-seventh and Twenty-eighth streets.

Q. Speak loudly, please? A. Between Twenty-seventh and Twenty-eighth streets.

Q. Did you procure a license for the saloon? A. Yes, sir.

Q. From the excise board? A. Yes, sir.

Q. And you opened it as a billiard saloon and liquor store? A. Yes, sir.

Q. Subsequently did you endeavor to secure a concert hall license? A. No, sir.

Q. Did you try to secure one? A. I did; yes, sir.

Q. Was it refused to you? A. By Mayor Grant; yes, sir.

Q. After that did you run the place as a concert hall? A. I did, sir.

Q. Before opening it as a concert hall, did you see any police official in that precinct? A. I did, sir.

Q. Who did you see? A. The captain in the Thirty-seventh street station-house

By the Chairman:

Q. What is his name? A. I can not remember the name; it was a dark complexioned man with a black mustache, stoutly built, and he wore a big diamond in his ring and scarf pin.

Q. Would you know his name if you heard it? A. I don't know.

Q. What is the date you saw him? A. It was in September.

Q. Of the year 1891? A. Yes.

Q. Where did you see him? A. No, I think it was 1890; I think it was 1890; the date.

Q. Where did you see him? A. At the station-house in the office.

Q. Was it Captain Price? A. I could not be sure of the name; if I saw the gentleman I would know him.

Q. What time did you see him? A. In the afternoon.

Q. How did you come to go there? A. One of my customers told me if I saw him, he would arrange for me to open a concert saloon without a license.

Q. When you went there was the captain in? A. Yes.

Q. Tell the committee the conversation you had with the captain, stating, as fully as you can remember, what you said to him, and what he said to you? A. I was there a very short time, because I asked him if he could help me get a license from Mayor Grant, he said he could not, that he couldn't do anything for me in that respect, but I could see the ward detective and see what he could do for me.

By the Chairman:

Q. Did he name the ward detective? A. Yes, sir.

Q. What was the name? A. Wagner.

Q. What is the first name? A. I don't know; a tall man of middle age.

Q. Go on and tell what the captain said? A. Of course I left the station-house.

Q. Did the captain say anything more to you then? A. Nothing more.

Q. Except to see his wardman, Wagner? A. Wagner.

Q. Then what did you do? A. He came to me without my looking for him.

Q. Wagner came to your place of business? A. Yes, sir; and he took me into Twenty-eighth street, and I had a conversation.

Q. In the street? A. In the street; yes, sir.

Q. What did he say to you? A. Well, I asked him if he could procure the license for me; and he said, "No," that I should open the concert.

By the Chairman:

Q. Without a license? A. Without a license.

By Mr. Goff:

Q. What did you say to that? A. He wanted to know how much I could pay for it, and I said, I could not pay very much, and that I could pay about \$50 a month; and of course in a few days I was ready to open, and I gave him the \$50, and he came again, and I gave him the \$50.

Q. How long was it after you saw the captain that you saw Wagner? A. A few days; he came to me himself.

Q. Can you recollect when that happened? A. I know it was in September.

Q. How long had you been open before you saw Wagner again? A. Before I saw Wagner again?

Q. Yes. A. A few days; and he got his money and went off.

Q. Did you give him the money in your place? A. Yes, sir; I gave him it in the hall of the saloon.

Q. Was anybody else present? A. No; he would take care of that.

Q. Did you give it to him in the place, or how? A. In the place.

Q. In an envelope? A. No; I shook hands with him, and left it in his hand.

Q. You had the bills in your hands, and came up and shook hands with him, and when you got through shaking hands, he had the bills and you did not? A. I had nothing.

Q. When did he next come to you? A. Well, I ran by nearly two months, and the business did not pay me; I charged 10 cents admission in the saloon, I did not want the rough crowd; he came in several times with the captain into the place, and he asked me how business was, and I told him it was not paying.

Q. Who asked you? A. Wagner.

Q. The captain? A. No; the captain never spoke to me after that, and of course he came after his money again, and I could not pay him.

Q. He asked you for money again? A. After the month was out; I could not give him anything; I gave him a box of cigars, a few little presents.

Q. What were the little presents you gave him? A. Some Java jelly, from Cuba, and some cigars.

Q. What did you tell him? A. I couldn't pay him, and the business was not paying.

Q. What did he say to that? A. He came back in a few days and said I would have to close up; somebody had given me up.

Q. Complained of you? A. Complained of me.

Q. What did you say to that? A. What could I say; I closed up.

Q. Did you ever open your place again? A. I kept it running without any concert, you know; and one day he said, "The best thing you can do is to sell out."

Q. That is, Wagner said to you? A. Yes, sir; and so I was advised to sell out.

Q. Did he tell you anyone you could sell to? A. No; this Warren Lewis came; he came alone, and Wagner came again, and took the name of Warren Lewis, and the same day I sold to Warren Lewis; he opened in full blast, sir.

Q. He didn't have a license? A. No, sir.

Q. How long did he run? A. Until the other day, when they closed him up.

By Chairman Lexow:

Q. Do you mean to say he ran for three years? A. That I don't know whether he procured a license afterward, but he did not have it at that time, I am sure of that.

Q. But he did run from the time you left until recently? A. Yes, sir.

Q. Do you know who Warren Lewis was? A. I knew he kept a concert saloon there in Coney Island, that is all I knew of it; I gave it to him almost for nothing, the place was not paying.

Q. Was it before or after this that you closed up that you were arrested? A. No; before I had the concert I was arrested.

Q. How did you come to be arrested? A. Well, one night at the closing when everything was closed up and I was in a private room in the back, and when I came inside the colored man that was tending the door let the two detectives deceive him, and said they wanted to see somebody inside, some friends; there were only two or three of my friends inside, and everything was closed up; I was in the back room, and when I came they told me that I was under arrest, and I said, what for, and they said, keeping open after hours.

Q. Who were the detectives? A. I don't know.

Q. Was one of them Wagner? A. No; they took me to the Thirtieth street station-house, and I saw the captain at the door.

Q. What did you say to the captain? A. I did not say anything to him; they took me inside, and one of them—they put me in the room there, and a man came to me and said, "If you give me \$5, we can get you bonds to get out."

Q. To whom did he ask you to give the money? A. The sergeant.

Q. The sergeant at the desk? A. Yes, sir; he was a blonde man with a red mustache; I told them I wouldn't pay nothing, and then they put me in the cell.

Q. After that did you see Wagner again? A. No, sir.

Q. Or the captain? A. That was before I opened the concert saloon; I didn't know Wagner then.

Q. That was when you were running a liquor saloon? A. Yes, sir.

Q. After you were closed up, did you see Wagner again? A. No; I never saw him again.

Q. Or the captain? A. No, sir.

Q. And you never had any other dealings than those you tell of? A. No, sir.

By the Chairman:

Q. Do I understand you were arrested before you paid the protection, and after you paid it you were not arrested? A. No.

Q. At no time? A. At no time.

Cross-examination by Mr. Ransom:

Q. How old are you? A. I am 54 years old.

Q. Are you married? A. Yes.

Q. Have children? A. Yes.

Q. Your wife and children live with you at this concert hall? A. No, sir; they are in Cuba; I am here alone.

Q. I know they are now; were they when you had the concert hall? A. She has never been here.

Q. How long have you lived in New York city? A. I came here in 1851.

Q. And your family have lived in Cuba since that time? A. Yes, sir.

Q. You have returned frequently to Cuba, I suppose? A. I have been up and down several times; yes.

Q. You have been engaged in business here since that time? A. No; I was a boy then; I could not be engaged in business then.

Q. You might have been engaged in getting a living? A. At that age?

Q. Yes. A. I went to school then.

Q. That is business; very respectable business; when did you go into business, as you call it? A. Here?

Q. Yes. A. Well, about 1885; around there.

Q. Never in any business until 1885? A. No, sir.

Q. Were you in the possession of a fortune? A. I had a fortune; yes; and I lost it in the Cuban War.

Q. And you lived on your income until 1885? A. Yes; I had plenty of money.

Q. And then you went into business; what business did you go into? A. The grocery business.

Q. How long were you in business? A. From up to 1872.

Q. I do not understand you; I thought you went into business in 1885, you said first? A. No; I was four or five years in the grocery business.

Q. When was it you went into the grocery business first; what year? A. When I got back from the war in Cuba.

Q. When was the war in Cuba; they have so many wars there, I do not keep track of them? A. The war began in 1868 and ended in 1878.

Q. And then it was about 1880, perhaps, that you went into the grocery business? A. Yes, sir.

Q. Where was your grocery store? A. In Harlem.

Q. What street? A. Between One Hundred and Sixteenth and One Hundred and Seventeenth street.

Q. And your wife and children were still in Cuba? A. Still in Cuba; they never came here.

Q. How long were you in the grocery business? A. I think two or three years.

Q. What business did you go into then? A. I went into the cigar business.

Q. Where? A. In — on Eighth avenue, between Forty-third and Forty-fourth street.

Q. Did you deal in Cuban cigars? A. Yes, sir.

Q. Paid the duty on them, I suppose? A. I did not buy them from the custom house; I bought from the jobbers here.

Q. You did not buy them from the custom house? A. No, sir; I bought them from the jobbers.

Q. How long were you in that business? A. About a year, I think I was.

Q. What did you go at then? A. In the same business.

Q. Where? A. On Eighth avenue, between Twenty-eighth and Twenty-ninth streets.

Q. What year was that? A. I think it was in 1884 or 1885; somewheres around there.

Q. How long were you in the second cigar store? A. About a year.

Q. What did you go at then? A. Then I opened a billiard saloon.

Q. This saloon? A. On Sixth avenue, between Thirty-fifth and Thirty-sixth street.

Q. On Sixth avenue? A. A billiard saloon, and liquors; yes, sir.

Q. And you had a bar? A. Yes, sir.

Q. How long were you there? A. About six months.

Q. And then you failed in business, did you? A. Yes, sir.

Q. And what did you do then? A. Then I went on Third avenue, between Twenty-third and Twenty-fourth streets, in the same business.

Q. How long did you carry on business there? A. A short time; it didn't pay neither; from there I went to Eighth avenue.

Q. Did you fail over in Eighth avenue? A. Yes, sir.

Q. And opened this place you have described? A. Yes.

Q. And you were in business there, how long? A. There I was from December 1 to November 1 or 2; somewheres around there.

Q. What is your business now? A. I am a clerk in the cigar business.

Q. Where? A. Sixty-five Exchange place.

Q. What is the name of your employer? A. Julio R. Gonzalis.

Q. You were advised, you said, by a friend to see the captain of the precinct? A. Yes, sir.

Q. In regard to your proposed concert hall? A. Yes, sir.

Q. What was the name of your friend? A. One of the customers, I did not ask his name; so many come there, I did not care there; I did not care for his name.

Q. When you said your friend, you did not mean exactly that? A. He was a friend because he advised me something that would bring me money.

Q. He was that sort of a friend? A. Certainly.

Q. He was a man that came into your place as a customer? A. Yes, sir.

Q. And you don't know his name? A. Certainly.

Q. Is that really so? A. That is really so.

Q. Did you ever know his name? A. Never knew his name.

Q. And upon the suggestion of this stranger, you sought out the captain of this precinct, for the purpose of bribing him to protect you? A. Not bribing him; I went there with the inten-

tion of getting this license; I thought he had influence to get me the license.

Q. After you had asked him that, he told you he could not do it? A. He could not do it, but that I should see the ward detective, or he should see me.

Q. Did he introduce you to the ward detective? A. No, sir; he came by himself to my place.

Q. Was he in uniform? A. No, sir; in citizen's clothes.

Q. You never saw him in uniform? A. No, sir.

Q. How long was it after your conversation with the captain he came? A. A few days; I don't remember.

Q. Was there anybody present? A. No, sir.

Q. I think you have answered this; I do not want to ask you something that was already answered; was anybody present when you had the conversation with the captain? A. No, sir.

Q. Was there anybody present when you had the conversation you swear to with Wagner? A. No, sir; nobody present.

Q. Did you ever have any conversation with Wagner when anybody was present? A. Never.

Q. How many times did you pay him money? A. I paid him once \$50.

Q. That was before you opened the business? A. Before I opened the concert, yes.

Q. Will you describe to the committee, and to me, what you mean by the concert room and the hall you kept there; what sort of business was it? A. Well, you employ men and women to sing on the stage, that is what I consider as a concert, and music in front of the stage.

Q. And you charged admission? A. I charged 10 cents admission.

Q. And you served refreshments? A. Yes, sir.

Q. Any chowder served? A. Chocolate?

Q. You didn't serve chowder, did you? A. No; beer and whiskies of all kinds.

Q. You had an excise license for selling liquor? A. Oh, yes.

Mr. Ransom.—That is all.

By Chairman Lexow:

Q. Can you identify this Wagner and this captain, if you see them? A. Yes.

Q. Will you return Tuesday at half-past 10 to identify them? A. Tuesday, when?

Q. Next Tuesday; do you know who sent Warren Lewis to you? A. That I don't know.

Q. What did he say when he came there?

Mr. Ransom.—I object.

Chairman Lexow.—It is not thought it would, in itself, be any evidence against the police officials, but Warren Lewis was a keeper of this place, the place was raided, and upon charges preferred by Captain Price, and on these charges of Captain Price, was tried.

Senator Cantor.—Was Lewis a witness on the trial of Captain Price?

The Chairman.—I don't recall now.

Mr. Moss.—I think he was.

The Chairman.—What is your object?

Mr. Moss.—My object is to find out who brought Warren Lewis there, if possible.

The Chairman.—That is right, if it is limited to that purpose.

Mr. Ransom.—I have no objection to that, but counsel said, introducing his remark first, that the inquiry was not for the purpose of eliciting any evidence to sustain the charge against the police. If that is so, I suppose it ought to be excluded.

Chairman Lexow.—It may lead up to something that may identify a witness, who may be subpoenaed before the committee.

Mr. Ransom.—I only took the statement of counsel, that his proposed inquiry has no bearing upon the inquiry here; that is the reason I object.

Chairman Lexow.—My statement was this, that hearsay testimony I do not propose the committee, composed of lawyers, would allow, any way, against this board; but to find out what these people were doing, and if this man will relate a conversation with Warren Lewis, that will enable us to subpoena witnesses to testify; it will aid us.

By Senator Cantor:

Q. Who was Warren Lewis? **A.** He was the one that kept this place, and was tried at Special Sessions, and acquitted.

By Mr. Ransom:

Q. What did Warren Lewis say to you when he came to you?

A. He came to me and asked if I had the place for sale, and he said, "Why do you want to sell;" I told him the very reason, "I can't open this place; I had it running as a concert hall, but the police have stopped me, because I couldn't pay them any more;" "Well," he said, "all right, I will buy it; I will fix that all right."

By the Chairman:

Q. Did he say who sent him to you? A. No; he did not.

Q. Did he mention any one who sent him to you? A. No, sir.
The Chairman.—That is all.

Flora Walters, called as a witness on behalf of the State,
being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Mr. Moss.—Will the chairman kindly instruct the witness of her privileges?

Chairman Lexow.—Any testimony you may give here can not be used against you in any other proceeding.

Q. Your name is Flora Walters? A. Yes, sir.

The Chairman.—There must be no conversation in the room.

Q. Where do you live now? A. I went back to my work, to work, and I work for wages, and I don't want to lose my place.

Q. I will omit that for the present; did you live at 214 Sixth street, New York city? A. Yes, sir.

Q. What kind of a place did you keep there? A. A cafe and lunch-room, and had girl waiters.

Q. A cafe, with girl waiters? A. Yes, sir.

Q. And did you keep a similar place at No. 52 East Fourth street? A. Yes, sir.

Q. What was sold in those two places? A. Wine, beer and liquors, and coffee, and light food, too, steaks and chops.

Q. Did you have an excise license in both places? A. No, sir.

Q. You did not? A. No, sir.

Q. Did you have any visit from policemen? A. Yes, sir.

Q. Which place did you live in first? A. Fourth street.

Q. What policeman did you see at Fourth street? A. I don't know the name of the police; I only know the name of the ward man.

Q. What is the name of the ward man? A. Hoch.

Q. Did Hoch call on you? A. Yes.

Q. How many times? A. I had only been there two months, in Fourth street.

Q. And he called on you twice? A. Yes.

Q. What conversation did you have with him the first time you saw him? A. There wasn't much conversation, for I knew all I had to do; I only handed him an envelope with \$15.

Q. You only handed him an envelope? A. Yes; that was

Known all over we had to do that; the first woman I bought the place of, she gave it to him in her hand; she handed it to him in the next room, and I could see it, and the next place I paid him in Sixth street; and he sent to me a stool pigeon that I should come to see him, and I brought some money to him in Sixth street and the corner, and there was no envelope on it.

Q. Who was the stool pigeon you speak of? He is called Michael; afterward he kept a cafe, but now he has gone because he had trouble.

Q. What was the name of the woman you bought the place from in Fourth street? A. Mrs. Rippler.

Q. Do you know whether she had paid Hoch any money before? A. Certainly; she told me so, and I see him give him the money that I gave her, after I took the place.

Q. How many times did you give Hoch the money? A. Only twice, and the third time I gave it to the woman.

Q. On three occasions you paid him \$15 a month? A. Yes.

Q. Do you know Mr. Charles Buser, who supplies beer? A. Yes.

Q. And he was on the stand yesterday and gave your name as paying \$15 a month; is that correct? A. Yes, sir.

By Chairman Lexow:

Q. I understand this witness to say she was in two places; did you pay anything in the first place you were in? A. Yes; that first place I bought from Mrs. Rippler, and that was the woman that gave the first money I was to pay; the second time I paid it myself; on the third time I brought it to the corner of Fifth street by the station-house.

Q. And while you paid this money, were you interfered with by the police? A. No; only afterward, when Captain Cross came to the precinct, they would not take any money, and I lost all of my money, and I went on to work, because I had to take a place and get the work.

Chairman Lexow.—She said, Captain Cross came to the district, and they would not take any money, and by that time she lost all her money, and had to get out of the business, and go to work again.

By Mr. Moss:

Q. What time was it Captain Cross came to the district? A. In December.

Q. Was there any excitement among keepers of houses of your kind at that time? A. Yes, sir; very great excitement

Q. What caused the excitement? **A.** Because the policemen wanted to close the places at once; they would not allow us to keep girls; they came about 10 or 12 at once, and put the girls out, and were very rude; and one told me that he would take me right up to the prison if I did not send the girls out right away; and I kept my place very quiet, like all the others that had more; and we thought everything was all right, because we paid; I did not think it was so bad what I was doing, because the girls didn't do nothing bad — wait on the men, and they sold liquor, and that is all the wrong we done, because I had no extra rooms at that time.

By the Chairman:

Q. Did you think you didn't do anything wrong because you paid the police? **A.** I didn't think it was so bad.

Q. Because you paid the police? **A.** Yes.

By Mr. Moss:

Q. Do you know anything about the extra charge in those cafe houses, where there was a lounge kept in the room? **A.** Well; they had to pay more.

Q. Cafe houses that had an extra lounge in the room? **A.** Well, they had to pay extra charge for that; I can not swear to this, only they told me so; I did not keep any.

Q. Who told you so? **A.** The other keepers of the houses, the woman that kept the Cafe Florida, and the woman that kept the Olympic, and all the old — everyone.

By the Chairman:

Q. Give them the benefit of it, the name of all those who knew and had lounged in their places? **A.** The woman that kept the Cafe Florida; I do not know her name; I only know the name of the cafe; and there was Mrs. Rosa's in Fourth street; kept the Kaiserhoff.

Q. Who else? **A.** I think that is all I know.

Q. What did they tell you? **A.** I only heard that from the girls that worked there; and I talked to that woman, too, that kept the Kaiserhoff; they told me they had to pay \$20, because they kept a lounge in the room.

Q. To whom? **A.** To the wardman.

Q. To this man Hoch? **A.** That was one party; I never see them pay that.

By Senator Cantor:

Q. Did they say to whom they paid it? A. Yes; Hoch; because the others did not take no money.

By Mr. Moss:

Q. How long was it after you paid the last money to Hoch before the central officers came to close you up? A. Only one or two days; I am not certain.

Q. These officers came from the central station or headquarters? A. I am told they are; they ran there then all night, and six or seven came in, and everybody ran out, and they were afraid, and we had to discharge the girls right away.

Q. Do you know what it was that induced the police to do this? A. Yes.

Q. What? A. Parkhurst.

Q. Was there excitement about what Dr. Parkhurst was saying and doing at that time? A. Yes.

Q. In December? A. Yes.

Q. And the date after you paid Mr. Hoch? A. I don't know whether it was a day or two, only a short time; the police were running along telling the cafe house keepers to close up and send the girls away.

By the Chairman:

Q. Did the police, during all this time of the existence of your house, know the way in which it was carried on? A. Yes, sir.

Q. The police as a body? A. Yes; they knew as well as we did.

Q. And patrolmen in the street? A. Yes.

Q. An order from the captain to you, would that have closed your house at once? A. Yes; certainly.

Q. It would? A. In that case, if they see us sell wine or liquor; that is all.

Q. If the captain had sent an order around to these different houses that were keeping open throughout the precinct there to close, would that, in your judgment, have had the effect of closing all those houses? A. No; only sending the girls away, and take men waiters instead of girls.

Q. And not run them as disorderly houses? A. No.

By Senator Bradley:

Q. Would the captain allow you to sell liquor without license? A. No; if you didn't pay.

By Mr. Moss:

Q. Did you see any excise inspectors at your cafes? A. No, sir.

Q. Had any call from them at all? A. No, sir; had no call at all; there was one day a small man came and said, you have to take out a revenue license, unless he would make trouble for me.

Q. An internal revenue license? A. I don't know; I wanted to ask a wardman first, and I told him I could not pay that night, and he should come again, and he never came.

Q. Did police officers go into your cafes in uniform, and sit down? A. No, sir.

Q. Without uniform? A. No, sir.

Q. Do you know Detectives Cohen and Sinclair? A. Yes, sir.

Q. Where are they stationed? A. It is Sinkler.

Q. Where are they stationed? A. Fifth street.

Q. Didn't those two officers come into your place at times? A. They never asked for anything, and I never sold anything while they were there, and they would not allow us around the place, and when I came in I served on them two bottles of beer.

Q. You gave the two detectives beer? A. I wanted to ask them if they should think I should keep open yet; they told me I could not, because I hadn't any money, and I had to close up.

Q. You treated these officers? A. Yes, sir.

Q. And they were talking with you whether you should run your house again? A. Yes; and they told me I should close up; it was no use to run the place as I did.

Cross-examination by Mr. Ransom:

Q. Did you keep a disorderly house? A. No, sir; there was no extra room — there was an extra room, but no door to it, or no lounges, or nothing.

Q. These girls that were with you were simply waiters? A. Only waiters.

Q. They were not bad girls? A. No, sir.

Q. They served beer and wines when they came in? A. Yes, sir.

Q. And that is all the business you did? A. Yes.

Q. I did not understand some of your evidence, and so I ask you now; what are you doing now? A. I work in a store now again, but I do not want to have my name in the paper, because it is bad for me; I have a boy six years old, and I do not want to have any trouble.

Q. You shall not be put in that position by me, under any

circumstances? A. I had only been in that whole business four months; that is all I could tell you.

Q. Are you a widow? A. Yes, sir.

Q. You are a German, I see? A. Yes.

Q. Have you lived in New York long? A. Yes, sir.

Q. How long have you lived in New York? A. Since I have been four years old, I came over first; but then I had been in Germany again.

Q. I understood you to say to counsel that you did not think you were doing any wrong there, because the girls did nothing, except serve beer and wine, do you mean to be understood that way? A. Yes, sir; I did not think it was so wrong, as it turned out afterward; because everybody, there was about 200 places, I think, all done the same thing, and I did not think it was so bad.

Q. You thought the business you were doing was not wrong? A. I thought it was all right when I paid, because they all said that money was going to —

Q. I only want to get her moral idea? A. Because they told me the ward man did not keep the money and it goes up higher, and it had to be that way, because it was not old in this country, that people that sold liquors could keep waiters; but I thought it was nothing wrong, and everybody told me the money went all through and everybody knew how it was worked.

Q. And you would not have kept this place, if you knew these girls were bad girls? A. No.

Q. Is that what you meant by thinking it was not wrong? A. Yes, sir; nothing wrong went on in the house; I was only selling wine and beer.

Q. And you thought it was safe for you to do the business because you paid this money? A. Yes, sir; I knew people that kept such cafes for years and years, and they were never —

Q. You thought it safe to do business that way, because you paid the money? A. Yes.

Q. And you did not mean to do anything wrong when you kept the place? A. No, sir.

Q. When was it that Captain Cross came to the precinct? A. I think it was in December.

Q. You mean last year? A. Yes; last December.

Q. From that time you paid nothing? A. No, sir; I have only been there this month, because I had to close up, and my money was gone, and we could not make any more money after Captain Cross was there; he would not let us sell anything, or keep girls, or take money.

Q. When you commenced business you said you knew what you had to do, meaning you had to pay money? A. Yes.

Q. How did you know that? A. The woman that sold me the place she took sick, and before that she asked me to work for her until she got better; and she didn't get better, and she told me I should take the place; and I had only \$30, and she told me to get her the change, and I should pay off every day, and I did pay her \$4 every day, and could count half a dollar for the police, that was \$15 a month; and she explained everything to me, and said the money to the police was due next week, and if I was willing to do that; and I said "Yes," I was willing to pay it, because the business went along all right; and I counted it in to her, and she carried it into Mr. Hoch in the next room, and there was no door there and I saw her hand it to him.

Q. I understand you gave him some money? A. Yes.

Q. Was anybody present when you gave him the money? A. No, sir.

By Senator Bradley:

Q. Didn't you mean, by saying there was no door, that there was no door hung—an open space? A. Yes; there was no door hung; it was like an extension room, with no door to it.

Q. The woman you bought out, did she have a license for selling liquor? A. No.

Q. You know how long she run that place before you bought her out? A. About a year.

Q. She carried it on the same as you did? A. Yes, sir.

Q. With girl waiters? A. Yes.

Q. And sold all kinds of liquor and refreshments? A. Yes.

By Mr. Moss:

Q. Do you know a man named Meyers, in Fourth street? A. Yes; he went to Newark.

Q. Did he have trouble with the police? A. Yes; he had trouble very often.

Q. Did he keep a similar place to yours? A. Yes.

Q. Was there any lounge in his place? A. I am not sure; I have not seen any.

Q. What do you know about his trouble—trouble with the police? A. I only know he was pulled twice in one week.

Q. What for? A. I suppose he did not want to settle up.

Q. How many times, altogether, was he arrested? A. Two or three times; very sure, one time.

Q. Right one after the other? A. Yes.

Q. Why do you say it was because he would not settle up?

Mr. Ransom.—She did not say that; she said she supposed so.

Q. Why did you say that? **A.** I can not swear to that; I understood from others that when they got arrested they could settle it, and never appear in court, and he did not want to do that, and had to go to court and pay.

By Senator O'Connor:

Q. That was the common understanding of the people who were carrying on the same kind of business? **A.** Yes, sir.

Q. And it was the subject of conversation among the owners of these houses? **A.** Yes, sir.

Q. That you should settle with the police? **A.** Yes.

By Mr. Moss:

Q. How much did they have to settle with the police? **A.** About the same they had to pay a fine.

Q. Twenty-five dollars? **A.** Yes.

Mr. Moss.—That is all.

Morris Jacobs, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Where do you live, Mr. Jacobs? **A.** No. 1797 Third avenue.

Q. And what is your business? **A.** Merchant tailor.

Q. How long have you had that business? **A.** Well, I have been working—how long have I had the merchant tailor business?

Q. Yes; right there? **A.** In this present store about a year and a half; about a year.

Q. In what Assembly district is that store? **A.** In the Twenty-fifth Assembly district.

Q. How long have you lived in the Twenty-fifth Assembly district? **A.** About seven or eight years; off and on.

Q. Have you been a member of the general committee of Tammany Hall, or of the district committee? **A.** I am a member of the general committee yet.

Q. At the present time? **A.** At the present time.

Q. Have you expressed to me some fears for the result of your testimony to me in the way of persecution or prosecution? **A.** I have had an officer approach me in my store and tell me "You son-of-a-so and so, you are going before the Senate investigating committee, and I will lock you up the first time I get you alone, and I will knock your head off you."

Q. What is that officer's name? A. Finnan or Finnerty; it is either one or the other.

Q. What precinct is he attached to? A. Twenty-eighth, I think; the One Hundred and Fourth street station.

Q. That is Captain Westervelt's station? A. Captain Westervelt's station.

Q. Do you know this man, have you seen him many a time—Finnerty? A. I have seen him about half a dozen times in my life.

Q. In uniform? A. In uniform.

Q. Did he come into your store in uniform? A. He came into my store in uniform, and he was called on another case; there were some stuff there; I had sent my boy out, and my boy was insulted, and my wife went to find out—

Q. Never mind that quarrel with your boy? A. He was sent for to the station-house for that particular case, and instead of attending that, he followed me in my store and came to me, and he said, "You are a liar and are a squealer, and are going before the Senate investigating committee, and I will knock your head off, and lock you up the first time I get you alone."

Q. Have any other persons spoken to you in that way, or threatened you, or intimidated you? A. The officers that were with him at the time.

Q. Who were they? A. I don't know their names.

Q. Would you recognize them again? A. If I saw them; I have not seen them since.

Q. In their presence? A. Yes, sir.

By Senator Bradley:

Q. You said the officers; how many did you mean? A. There were two with him.

Q. There were three altogether? A. Yes, sir.

By Mr. Moss:

Q. Did these three come into your store together? A. Two stood outside, while he went in.

Q. Did any other person come in and threaten or address you, or make any suggestions or intimidation? A. No; only that I received word through a friend of mine that I had got to see my district leader, about keeping his promise or otherwise I would see to get justice; he said he would railroad me to jail, if I mentioned his name.

Q. Who is the district leader? A. John J. Ryan; he sits over there now.

Q. Has Mr. Ryan been in this court before? A. He was here yesterday.

Q. You were here yesterday, too? A. Yes.

Q. How did Mr. Ryan know you were going to testify; how did he know you were coming to court? A. I can not tell you, except that this man who gave me this information that Mr. Ryan was going to railroad me to jail is a friend, as I asked him to see Mr. Ryan before I was subpoenaed at all in regard to giving me the position he promised me, and that man was present when I got my subpoena.

Q. Have you any objection to stating that man's name? A. Mr. Starr.

Q. Is he in court? A. He is not in court; if he is I do not see him.

Q. Have you seen anyone else in court connected with Mr. Ryan, or the matters about which you are going to testify? A. Yesterday I saw the alderman's brother here.

Q. Who is the alderman? A. William A. Baumert.

Q. The alderman's brother was here? A. Yes, sir.

Q. Sitting inside the rail? A. Sitting inside the rail, talking to the gentlemen.

Q. Watching things yesterday? A. Yes, sir.

Q. Is he here to-day? A. No; I don't see him; one other gentleman spoke to me yesterday was Robert R. Wilkes, reporter for the World, I believe; he asked me what I was doing here, and I told him that I was subpoenaed down here.

Q. He had a right to, as a member of the Press? A. Yes; as member of the Press.

Q. Certainly; we expect them to always try to find out what is going on; you had some dealings with John J. Ryan, looking to appointment on the police force? A. I had.

Q. And those dealings have extended over a considerable period of time, haven't they? A. They have extended over a period of two years.

Q. And Mr. Ryan has received a considerable sum of money from you? A. He has got me to lay it out for the organization, promising me —

Q. He has induced you to? A. He told me to.

Q. On the prospect of being appointed a policeman? A. Certainly; I have not been appointed.

Q. How long has your application been pending? A. I had made an application for the position before I knew Mr. Ryan.

Q. I ask you the question, how long has it been pending? A. About two years; over two years; two years and a half.

Q. Have you expressed to him some fear —

By the Chairman:

Q. Have you passed your civil service? A. Passed a civil service examination and got a rating of 87.18.

By Mr. Moss:

Q. You have not paid anything? A. I have not any more to pay; I have paid all to the John J. Ryan organization.

Q. You have not got any more to pay?

(Objected to; objection sustained.)

Q. Have you expressed to me some fear that you might, perhaps, be persecuted or prosecuted on account of testimony which you might give laying foundation for criminal charges against yourself? A. Yes; I have.

Q. Now, the chairman will inform you—you will correct me if I do not state it right.

The Chairman.—I will make the statement. No testimony you give here before this committee can be used against you in any prosecution, and if you have paid a bribe, or if you have testified before this committee that you have paid a bribe, that testimony you give here will be an absolute bar for any prosecution for that cause against you.

Mr. Moss.—Or any other crime?

Chairman Lexow.—Excepting perjury. I do not mean to say if this witness testified to murder he would be protected by this committee.

The Witness.—Anything besides murder or manslaughter?

Chairman Lexow.—Yes.

Q. Were you present at a meeting of the captains of your district on Sunday evening preceding the election of 1892—November, 1892—when Mr. Ryan was present, the district leader, and when he gave instructions to his captain? A. I was; I was on the campaign committee then.

Q. You had business then and was present? A. I was present.

Q. Will you please state, as nearly as you can, what Mr. Ryan said to the district captain? A. Yes; I believe I can recall those words; "Boys, next Tuesday is election day, and we must roll up as large a majority as possible; of course, you know you have the Tammany—we have got the majority of the inspectors of election with us, and could you know your men to be Tammany men, and they be challenged, what you say goes; you see their votes are put in; should any disturbance arise through your action, you have the police with you, and if you have not got enough, let us know, and we will give you more; we will have a whole platoon sent down, if necessary; those that are with us will receive our protection; those who are against us will receive

nothing; and should a Republican vote be challenged, why they have no protection;" those are the words I heard him say.

Q. And did you hear him say anything about the police just prior to the election last year? A. Yes; "Now, I want you district captains to hand the secretary the names of those police officers whom you think are friendly toward our organization, and let him have them, and I will see that you have them at the polling place."

Q. Do you recall anything else in connection with those two matters which you have not stated, in the way of instruction by the leader to his captain; have you stated all that you recollect? A. That he has instructed his captains?

Q. Yes. A. That is about all I can recollect so far; if any Tammany Hall votes were challenged that we would not be beaten because we could get them in; we had the police with us.

Q. Do you know anything about a club of foreigners who were naturalized in connection with these elections? A. I do.

Q. Tell us briefly; do not take too much time; come right down to it? A. A man by the name of Lewis H. Levi and another man, whose name I do not know, told me that they had read in the newspapers something about a man of the name of Jacobs, about to receive a nomination, and they would like to be with me; I informed them that that was not me, but that I was with the Tammany Hall organization; "Well, if you are with the Tammany Hall organization, we will be with you;" I said, "How many are you altogether;" he says, "There is a few of us can vote, but if you give us naturalization tickets, we will get naturalized;" I told them I would see Mr. Ryan; I went up and seen Mr. Ryan; that is, I saw his brother, P. J. Ryan, and I asked him for tickets; "About how many?" I said, "I have been asked for about a hundred;" he said, "I will not give you the tickets, I know the people they are for; they do not intend to vote the Tammany Hall ticket, and I wont give them to you;" I said, "Very well," and he told me to speak to his brother, the leader of the district; I spoke to his brother, and told him there was a man down there, a standard bearer of the club, and he asked me for a hundred tickets; and he said, "Oh, give Jacobs those tickets;" and I brought this man around and introduced him to Mr. Ryan; and as far as I could understand, he was asked by Mr. Ryan what object he had for getting naturalized for his benefit; and he said, "That is exactly what I came to see you about; I want to know what we are going to get;" he said, "I can give several of you good positions after election;" these men came to me and told me that they had a hard job to get naturalized because they could not answer the questions intelligently; and I told them I

had nothing to do with that, to go down and see Mr. Ryan; some of them did go down and see Mr. Ryan, those who could not get their papers; and Mr. Ryan, it appears, gave them a letter, and when they presented that letter, which introduced them to somebody down there, they did get their papers.

Chairman Lexow.—Mr. Moss, we know of all sorts of tickets, but we have never heard of naturalization tickets; ask the witness to explain that.

Q. Just take the chairman's suggestion, and explain what those tickets are; what do they look like? A. The ticket is a red ticket; the same as used in restaurants, with the price on it that a man has got to pay for it after his meal; only in place of the price being on this, it says, "Naturalization bureau," underneath the name of John J. Ryan, Twenty-fifth Assembly district; something like that.

By Senator Bradley:

Q. Was the name of the organization on it? A. The name of Tammany Hall.

By Chairman Lexow:

Q. Do you mean to say that ticket is exchangeable for naturalization papers in this city? A. That ticket saves them 50 cents, I believe.

Q. By presenting that ticket the person who applies for naturalization is saved a fee of 50 cents? A. Fifty cents.

Q. The organization pays the fee instead of the person himself? A. Yes.

By Mr. Moss:

Q. What did they do with the ticket? A. They took it down to the naturalization bureau.

Q. Of Tammany Hall? A. Of Tammany Hall, sure; they gave their name; then they got the ticket first; then they gave their name, and then they are taken care of.

Q. Do you know that these men were naturalized? A. I know a great many were.

Q. Do you know whether they had lived in the country long? A. I don't know any of them only by sight, and that is a very short time.

Q. Do you know whether any of them have lived less than five years in the country? A. I could not tell whether they lived in the country a year.

Chairman Lexow.—Put that question a little differently.

By Senator Bradley:

Q. Do you know any single one that was not in the country five years? A. I could not say that, because they were all strangers to me.

By Chairman Lexow:

Q. Hadn't you seen them around in your district at all? A. I have seen them in my district; I seen many around in my neighborhood, but not five years.

Q. How long have you seen these people in your neighborhood? A. I have seen them off and on perhaps six or eight months, before they came to me.

By Mr. Moss:

Q. Isn't it the general understanding that many of those people have not lived in the city or country five years? A. Why, certainly; I have heard people; I doubt whether any of them have lived in the country for five years.

Mr. Ransom.—Don't answer. I want to object. The chairman, I suppose, will instruct the witness.

Chairman Lexow.—Only state what you know; or if you have had a conversation with any of these people who were naturalized, or the person that wanted to naturalize them, state the conversation with reference to the length of time they have lived in this country.

A. Well, Mr. Ryan gave this man instructions to get them all naturalized.

By Senator Cantor:

Q. Were you present when he gave the instructions? A. Yes, he told this to Lewis H. Levi.

By Chairman Lexow:

Q. Tell the whole conversation you had with Mr. Levi at that time? A. The conversation was that Levi was looking for patronage, and he was looking for money.

Q. What did Ryan say to Levi and Levi say to Ryan? A. Mr. Ryan asked him what he wanted after being naturalized, and that is what he said he came to see about, what they were going to get, as they had a club.

Q. Did he say anything about these people being entitled to be naturalized as citizens? A. No; he did not; only Mr. Ryan said, "See you get them all naturalized."

By Senator Bradley:

Q. What was the name of the club? A. The Lewis H. Levi Association.

By Mr. Moss:

Q. Do you know any members of that club who were naturalized that could not speak the English language? A. Yes; I do; one or two of them; I couldn't mention their names, because I could not keep track of them.

Chairman Lexow.—I do not see how that is relevant to any inquiry we have.

Mr. Moss.—It bears on general rumor that many of these people were not entitled to naturalization.

Senator O'Connor.—You don't think we ought to pay attention to rumors or charges of that kind?

Mr. Moss.—Only in the way of hunting up; we are fishing largely, and we don't want to fish up a string in which there is no fish.

The Witness.—The majority of those men can not speak English.

Chairman Lexow.—Caught some pretty big fish, too.

Mr. Goff.—Those stories are not fish stories.

Mr. Moss.—There are a good many floating in the net.

By Mr. Moss:

Q. About four years ago, I want you to carry your mind back as far as that, and tell us about an interview that you had, with a police officer, looking to your appointment on the force, and tell how it occurred.

By Chairman Lexow:

Q. Who was the officer? A. Officer Woodbridge.

Q. Is he now on the force? A. Yes; he has been lately promoted to a roundsman.

Q. Where is he stationed? A. I think One Hundred and Twenty-sixth street, if I am not mistaken.

Q. Now, go ahead, and tell how this conversation took place; where it was, and what it was? A. About four years ago, a few minutes after 12 o'clock at night, an officer by the name of Woodbridge, attached to the Twenty-seventh precinct, or Eighty-eighth street station-house, came into my store, and said he wanted to get out of the rain for a few minutes, and asked me how I would like to go on the police force; he said I

would make a fine policeman; well, I told him that I hadn't given it a thought; he said, "You don't need to give it a thought at all;" well, I said, that I had got to go through a great many examinations, and wait a long time, and by that time maybe I would be doing better, and would not be prepared to take it; "No; you have not got to go through anything at all, only to go down and pass the doctor; if you pass the doctor, you can attend to your business until your appointment reaches you;" I said, "How is that;" he says, "Talking for you so-and-so; I will introduce you to two of the agents of the police commissioner, and they will satisfy you; they will introduce you to the commissioners of police in Mulberry street, and, of course, he says, 'You understand,' he says, 'It is going to cost you some money;'" I says, "About how much;" "Oh," he says, "About \$300;" "Well," I said, "I don't think I will go into that business with you at all; it is a little too steep, and I would sooner attend to my business;" he says, "I don't know that it will cost that; I will bring these people around to-morrow, and we will see;" the next day he brought around two men; one man's name was Theodore Sanders, and one man's name was Wolff; what his first name was I can not say; Mr. Woodbridge introduced them to me—or Officer Woodbridge—and he says, "Mr. Jacobs, this man here is the agent for one of the police commissioners, and will take care of you;" and the man asked me my name, and I told him; "Well," he says, "I will tell you what we will do; I will telephone down and find out whether the commissioner is there, when I can put in an application;" he went away and returned in a few moments; when he returned, he told me; he says, "Well, we will take a ride right down there;" I says, "Down where;" he says, "Down as far as Ninth street;" so he took me down as far as Ninth street; he said, "Let me see, your name is Morris Jacobs;" I said, "Yes;" he said, "When were you born?"

Q. Who was having this conversation with you now? A. Mr. Sanders, and Wolff was present; he says, "Your name is Morris Jacobs;" I said, "Yes," he said, "What year were you born?"

Q. Never mind the details; come to the first payment of money? A. Oh, the first payment of money; when he took me to police headquarters he did not introduce me to those men.

By the Chairman:

Q. Did you go down to police headquarters from Ninth street?

A. From Ninth street he took me to police headquarters, intending to introduce me to the commissioners.

Q. Who did you see there? A. He took me outside the police

office and did not introduce me to none of them, but went into each one of them.

By Mr. Moss:

Q. You was not introduced to any commissioner that day?
A. No.

Q. But Sanders and Wolff went into the commissioners' offices?

A. Yes; and went into the clerk's office and spoke to several of the clerks, and at the door he introduced me to a man whose name was Hasbrook; he had some books with him, and then he took me down to the liquor store and introduced me to a man by the name of Fletcher, and he introduced me to a man whom they called Johnnie Dwyer, who is a messenger.

By Chairman Lexow:

Q. In the police department? A. In the police department; and he, right there and then, asked me for \$50.

By Mr. Moss:

Q. Who asked you? A. Sanders did.

By Chairman Lexow:

Q. What did he say in asking you for \$50? A. He says, "You know this thing is going to be expensive, and I have done this for a great many others, and they have backed out, and I have got to use \$50 right now;" I said, "What are you going to use it for?" he said, "You will have to pass the doctors next Monday, and I can not do it without them;" he said, "Johnnie Dwyer, will you pass this man through next Monday before the doctor?" he says, "Yes;" I did not want to give \$50 then; and he said, "If Woodbridge tells you it is all right, will you do it then?" I said, "I don't know;" I did go to Woodbridge, and told Woodbridge, "I have doubts about the honesty of these people;" and he says, "I know how I got there;" pointing to his shield; and he said, "If I tell you it is all right, it is all right;" I said, "Will you be responsible for the \$50?" he said, "I will;" and I put the \$50 on the coal bin and Woodbridge took it up.

By Mr. Moss:

Q. Woodbridge was the officer at that time? A. At that time; yes; then I went down before the doctors week after week and went away, and I began to get a little nervous about it, and I went down and seen this Johnnie Dwyer; I went into Fletcher's liquor store, and had him sent for to police headquarters; I told

him, "Why don't you get me before the doctors, as you promised;" I said, "You told me to do what was right by your man and give him what he wanted;" and I said, "I believe by this time he has got it, and you are the cause, and I have not been sent for to go before the doctors."

Q. In pursuance of that conversation, did you receive a notice to go before the doctors? A. I did not.

Q. Did you go before the doctors? A. I did.

Q. How did you come to go? A. He told me to go down the next day, and he fooled two days after that, and I said if he fooled me any more I would look after it, and he said, "Stay where you are;" and he came down in a few minutes, and he said, "Go up stairs;" and I would hear my name called by Sergeant Corbett.

Q. Do you know whether that sergeant is on the police force now? A. I couldn't tell.

Q. You don't know; go ahead? A. I went up stairs, and saw a lot of young men standing there, and a man with a book in his hands, and he was calling out some names, and he came to my name, and then we were all marched into a room there, and we were examined by the doctors.

Q. Had you filed any application for appointment? A. I had not.

Q. Had you seen any application for appointment? A. Never; not at that time.

Q. But your name was called out to undergo the physical examination? A. To undergo the physical examination.

Q. And did you go through an examination? A. I did, successfully.

Q. At that time? A. At that time; I received a notice after that to go before a physical examination or a gymnasium, whatever you call it, in Cooper Union.

By Senator Bradley:

Q. The physical culture? A. Yes; I received a notice to go before the physical examination, and I passed that.

Q. Is this the notice — 92, that is dated? A. No; this is after; I passed that; then, sometime after that, Hasbrook and Dwyer came to see me; in fact, Dwyer came to see me very often, and every time that he came to see me, he got me to lend him some money; he told me he had to use it; eventually, I got a notice to go before the mental examination, to be examined mentally; Hasbrook came to me a day or two before I got my notice, and told me I was about to receive my notice for a mental examination.

Q. And up to that time had you filed an application? A. I had not; I saw him again, and he says, "Have you got your notice for the mental examination;" I says, "No;" "Come down and see me in the morning, will you;" I says, "All right;" and I went down and saw him in the morning to the office; he says, "Did you get it last night;" I said, "No;" he says, "You will have it by the time you get home, and when I got home I got the notice that had been left there by mail.

Q. Then what happened? A. Then Mr. Hasbrook said he would come up and see me, as he had something very important, some very important arrangement to make in connection with my appointment.

Q. Who was Mr. Hasbrook? A. He was the clerk at police headquarters; Mr. Hasbrook came to me and said he would be around again on Saturday; I went home; and he asked where Mr. Jacobs was; he was told by my wife I was down town on business; he took a business-book I had and wrote an address on that book and his name, where I could meet him the next morning, that was Sunday, with instructions; I should be there next morning on Sunday, otherwise I would not be appointed.

Q. Where? A. It was in a liquor store in Fifth or Sixth avenue, along between Twenty-seventh and Twenty-eighth streets; the police commissioners have got the address down there all right; I left it with them; and I saw him the next morning; he says, "I wanted to see you in regard to your mental examination;" you have passed the doctors all right; you have passed the physical examination all right; and he says, "I wont allow you to pass the mental examination, because those people who go there and are about to be appointed, if they are to be appointed through me, I make all those arrangements myself; I want to handle your case the same as I handle other cases;" I says, "What do you mean?" he says, "There is no reason for your going to pass the mental examination yourself, because you wont get any writing; if you let me take care of your case, I will take care of it, and you give me \$100;" I says, "What! Give you a hundred dollars to take care of my case; why can't I pass the mental examination without giving you a hundred dollars?" he says, "Some of the questions are technical, and if you answer every one of them your writing would be given to somebody else, anyhow; we have got the fixing of these things;" I says, "Now, let me tell you, Mr. Hasbrook, if you have the fixing of them, and the questions are technical, what is the matter of giving me those technical questions, and I answering them, and you protect my interest?" and he said, "We don't do business that

way; I will satisfy you beyond any reasonable doubt that you will do as I tell you," I said, "How is that;" "You will have a man call on you between 12 and 1 o'clock to-night, probably later; don't go to bed to-night, if it takes until 3 o'clock;" "Who will that be," I said; he said, "It would be a clerk that is at police headquarters, and he will introduce himself to you as Mr. Brand.

Q. What is his first name? A. David Brand.

Q. Where does he live? A. I could not tell you.

Q. Do you know whether he is alive? A. I heard last he was in Trenton.

Q. Go ahead. A. "And he will satisfy you beyond any reasonable doubt that you are now getting on the police the right way; you won't slip up;" I said, "All right; I will meet this man and see what he has got to say;" I stayed up between 1 and 2 o'clock in the morning; the man came to my door, and he had another.

Q. What man was that? A. Dave Brand; he had another man with him by the name of Danny Ryan.

Q. Who was Danny Ryan? A. He was the son of the sergeant of the Twentieth precinct at the time.

Q. Is Ryan a policeman? A. Yes, sir.

Q. Was he intended to be appointed about the same time as you was? A. He was; Mr. Brand says, "I have been speaking to Mr. Hasbrook, and I would like that you take a walk with me;" I said, "Very well;" he took a walk to the station-house—we took a walk for an hour or two, and then went into the station-house, and the sergeant shook hands with me and handed me a cigar.

Q. Where is that sergeant now? A. I could not tell.

Q. Is he on the force? A. I believe he is.

Q. What is his first name? A. I could not tell you his first name; but there is a policeman in court that was under him could give it to you.

Q. He was a sergeant at what station? A. Eighty-eight street station-house.

Q. In what year? A. Eighteen hundred and ninety.

Q. Go ahead and tell what happened then. A. The sergeant says, "Dave, I want you to get as near a hundred per cent. for my boy as you possibly can."

Q. That was by the sergeant to Dave Brand? A. He said, "I won't get a hundred per cent., because it would look suspicious, because he went through before and got such a small percentage.

Q. Was he talking about Danny Ryan? A. Yes; he is now on the police; he said it would not look well; "I will guarantee I will get him on the first batch;" he said, "I suppose you know

Mr. Jacobs;" he says, "I know he is a candidate;" he says, "Jacobs, you do as he tells you, and it will be all right;" we walked around again to my store, and I bid him good-night and went in, and the next morning he came around to me and wanted to know whether I had seen Hasbrook; I said, "No;" he says, "I have got somewheres to go and will call again;" and meantime Mr. Hasbrook came in; he says, "Are you satisfied?" I said, "Satisfied of what?" he said, "Danny Ryan made an application himself and passed on his merits and did not get appointed, and he has got as much interest as you have, he says, and knows the city, and knows everybody, and his father being sergeant of the police ought to know how to get him on; now, his father is certain to get him on, and if it is good enough for him, it is good enough for you;" I said, "If that is the case, certainly;" I said, "What about this percentage you are talking about; you are going to get a hundred per cent.;" he said it did not make any difference what we got him, we will put the pair of you on the first batch; Dave Brand will see you again and tell you what is necessary; Dave Brand told me to go to some responsible place and put up \$50; I said, "That is not necessary;" I said "If it is necessary you have \$50, you will get \$50, when the proper time comes;" I said, "I am not going to get robbed by everybody; everytime Johnnie Dwyer sees me, he says it will cost \$25; I have not got a fortune to give away;" he said, "I won't ask you for anything; you will give me your notice for the mental examination;" I said, "I will, when Danny Ryan gives you the notice; what is going to be done with it?" he says, "Your notice calls for a certain day?" "Yes;" "I will be with you and Danny Ryan on that day and see you keep Danny Ryan's company on that day; you should be up there on that examination;" and he said, "You will get a rating without being there at all," and he said, "Danny Ryan won't be there, because he will be in your company; will you be satisfied then?" I says, "Yes;" and before that he introduced me to a man in a saloon on Third avenue by the name of George Barmstroff; he was an officer at that time under Sergeant Ryan.

Q. Is George Barmstroff in court? A. He is standing there; he introduced me to that man.

Q. I want it to be understood that Mr. Barmstroff is in charge of the sergeant-at-arms? A. And Mr. Barmstroff after being introduced to me, we had a glass together, and then Dave Brand told me, he says, "I have arranged everything for you;" I says, "All right;" the next day or a day or two afterwards, Mr. Barmstroff, Mr. Brand, Danny Ryan, called on me at my store; and I believe that was the day that the examination should take place down at the Cooper Union; and they said they were

going down as far as Ninth street, and they would like me and Danny Ryan to ride along; I said, "I will ride, I had no objection;" when we got down to Ninth street Dave Brand turned around and says, "Now, Jacobs and Ryan, I want to meet you here at 5 o'clock; you can go where you like until then;" I says, "What are you going to do?" "It is none of your business; you will be on the first batch just the same; so we took a walk around until 5 o'clock; and when we got back we found Mr. Barmstroff and Mr. Brand standing there; now, everything was going on smoothly, as I thought, and I was going to get on the police; several officers—

Q. Wait a moment; where did Barmstroff and Brand go to? A. When they got down to Twelfth street we went one way and they went the other.

Q. Do you know what they did; have you ever learned what they did? A. I learned afterwards what they had to do.

Q. What was it? A. One man substituted me, and the other man substituted Danny Ryan.

Q. Substituted you? A. Mr. Barmstroff.

Q. They were examined for you and Danny Ryan? A. They were examined for me and Danny Ryan, and the way I learned this Dave Brand came to me and told me, "We gave you a big percentage."

By Chairman Lexow:

Q. What was the percentage? A. I could not tell you; I never received one; and he says, very shortly, he says, "I will have to make arrangements again;" he said, "for your appointment;" he said, "That will cost you about \$300."

By Mr. Moss:

Q. Well? A. "And when you get your percentage, I want you to understand you have got to give me \$50;" "when I get my percentage, I have got to give you \$50?" "Yes;" he says, "and there is no getting out of that; if you won't give it to me, you won't get any percentage."

Q. That was after the examination had taken place? A. Yes; so I promised it to him.

Mr. Goff.—You step aside for a moment.

Mr. Moss.—Mr. Barmstroff, step to the chair.

George Barmstroff, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Spell your last name, please? A. Barmstroff.

Q. Where do you live? A. No. 1668 Third avenue.

Q. What is your business? A. Carpenter.

Q. Were you a policeman in 1890; from 1890 on for a year or two? A. I was appointed in 1891—in 1889, and I was a policeman in 1890 in the fore part of the year.

Q. Have you heard the testimony of Mr. Jacobs? A. Yes, sir.

Q. Did you, in company with Dave Brant and Danny Ryan and Mrs. Jacobs, go down town one evening in 18—what was the year; can you recall it to me? A. I think it was 1890, if I am not mistaken.

Q. Did you go down for the purpose of seeing that Ryan and Jacobs passed their mental examination for appointment as police officers? A. You say one evening?

Q. Yes. A. No; not one evening; it was in the afternoon, if I am not mistaken.

Q. You recall then going down town with these other three gentlemen? A. Yes.

Q. And you left them at Ninth street, didn't you? A. I left two of them.

Q. Tell us what you and Dave Brant did. A. Well, Dave Brant and I went before the civil service board in Cooper Union.

Q. What members of the board were present? A. I don't exactly know now.

Q. Can you recall any member of the board? A. Well, only one, a Mr. Beasley.

Q. Henry W. Beardsley? A. I believe it is.

Q. Are you acquainted with Mr. Beardsley? A. No, sir.

Q. Was he acquainted with Brant, do you know? A. I could not say; I don't know.

Q. Tell what happened? A. We got over, and when the name of Morris Jacobs was called out, I answered it and signed the papers, as they gave me, the examining board, and I filled them out.

Q. You did his examination for him? A. Exactly.

Q. What did Brant do? A. Done the same thing for the party; for the name of Danny Ryan.

Q. And did you meet Ryan and Jacobs after the examination? A. Yes, sir.

Q. Was it entirely a written examination? A. Yes, sir.

Q. Were there any oral questions at all? A. Sir?

Q. Did you answer any oral questions by mouth? A. There was no questions answered, that is, as far as I can remember; there was no questions at all, just merely writing.

By Chairman Lexow:

Q. You answered written questions; did you sign the examination? A. Yes, sir.

Q. What name did you write? A. Morris Jacobs.

By Mr. Goff:

Q. When did you first meet Morris Jacobs? A. Well, the exact date I don't exactly know.

Q. Who introduced you to him? A. Dave Brant.

Q. Dave Brant? A. Yes.

Q. For what purpose? A. Well, the purpose was what I found out afterwards, for to get through the civil service examination.

Q. Who told you, apart from Morris Jacobs, that you could do that; who told you you could pass that examination after Morris Jacobs? A. Dave Brant told me it wouldn't make any difference whether I passed or this man passed himself.

Q. Did you pass for anybody else? A. No, sir.

Q. That was the first, last and only time you did such a thing? A. Yes; it is not the first time I passed through the civil service; it was the first time I passed for anyone else.

Q. And the last time? A. And the last time; yes, sir.

Q. Do you know whether Dave Brant did that at any time? A. Myself individually, I do not know, but I heard that he did.

Q. Do you know what was Brant's business at that time? A. At that time I think his business was doing nothing.

Q. Was he acquainted with anybody at police headquarters, do you know? A. Well, he was down to headquarters, a clerk there, as far as I can understand, until—

Q. When you say he was doing nothing, do you mean he had a sinecure? A. No, sir; he was out of the department at that time.

Q. He had been a clerk at the department? A. Yes, sir.

By Chairman Lexow:

Q. Was he a clerk at that time? A. No, sir; when he passed the civil service for Mr. Ryan he was not.

Q. What kind of a clerk was he before that? A. He was at headquarters; that I do not know.

Q. Was he a higher or lower clerk; do you know whether he had a respectable position there or otherwise? A. I could not say how respectable a position it was, but I heard he could fix things there.

By Senator Cantor:

Q. Do you know what his salary was when he was clerk? A. No, sir; I do not.

By Mr. Moss:

Q. Did you ever see him at headquarters? A. I did, sir.

Q. What room did you see him in? A. I saw him in the room where they call headquarters; that is, the room where all the clerks was.

Q. Was Brant well acquainted with headquarters, so far as you could see? A. I suppose he was; I know I received some papers for him when I went through mine.

Q. Acquainted with police headquarters? A. That I could not say.

Q. You don't know about that; is that all you had to do with this Jacob's case? A. That was all.

Q. In what precinct were you on duty? A. The Twenty-seventh.

Q. Did you go to headquarters frequently? A. Well, yes; I had been there several times.

Q. Is that precinct, the Twenty-seventh precinct, the precinct of which Denny Ryan's father was sergeant? A. Yes, sir.

Q. Then you were well acquainted with Sergeant Ryan? A. Yes, sir.

Q. Where is Sergeant Ryan now? A. As near as I understand—stationed in Forty-second street, under the Grand Central Depot.

Q. Do you know his first name? A. John.

By Chairman Lexow:

Q. And middle name? A. Well, I am not sure; I believe it was J.

By Senator Bradley:

Q. John J.? A. Yes.

Q. He is not the John J. Ryan who is leader of the Twenty-fifth District? A. No, sir.

By Mr. Moss:

Q. A different man; do you know whether Danny Ryan was appointed a policeman after that mental examination?

Senator Bradley.—He said Daniel Ryan.

A. Daniel; from that understanding, as far as I understand, he was not appointed by the examination Brant had gone through, if that is the examination you mean; I understood he went through himself again.

Q. And has been appointed since? A. Yes, sir; and has been appointed.

Q. Do you know of any other policemen who were appointed in the same way? A. No, sir.

Q. Do you know of any other case that occurred about that time, similar to this one? A. I do not know any individual myself, but I have heard so.

Q. How many have you heard? A. Well—

Mr. Ransom.—Is that admissible?

The Witness.—One or two.

Mr. Moss.—Simply to follow up the line, if he can find out whom the individuals were.

By Chairman Lexow:

Q. Do you know of any person having been appointed? A. No, sr; I do not know of any person, only I have heard it.

Q. Without hearing the names? A. No, sir; I was told it was done.

Q. Who told you there had been others? A. Dave Brant.

Q. Any others? A. No, sir.

By Mr. Moss:

Q. Do you know whether these men are on the police now?

A. That I could not say.

Chairman Lexow.—He don't know anything about it.

Q. Did you get any money for passing the examination? A. No, sir; I was to receive it but never got it.

By Senator Bradley:

Q. How much were you promised? A. Fifty dollars.

Mr. Ransom.—What was the last question?

(Question and answer read.)

A. Promised \$50, but didn't get it.

Chairman Lexow.—Do you want to ask any questions?

Mr. Ransom.—Yes.

Cross-examination by Mr. Ransom:

Q. How old are you? A. I am past 28.

Q. How long a distance past 28 are you? A. Well, five months; not quite.

By Chairman Lexow:

Q. Between 28 and 29, you say? A. Yes, sir.

By Mr. Ransom:

Q. You are a carpenter? A. Yes, sir.

Q. Were you born in the city of New York? A. Yes, sir.

Q. Are your parents living now? A. My mother; I have a stepfather who is living.

Q. Are you a married man? A. Yes, sir.

Q. Where do you live with your family? A. Sixteen hundred and sixty-eight Third avenue.

Q. How long have you been married? A. Little over two years; between two and three years.

Q. Are you working at your trade now? A. Yes, sir.

Q. Where? A. One Hundred and Twenty-fourth street, near Third avenue.

Q. For whom? A. Maloney & McLaughlin.

Q. How long have you been working for them? A. About a year and a half.

Q. Were you working at your trade when you were going for this examination? A. No, sir; that is for my examination or for Mr. Jacobs?

Q. For anybody? A. When I went through for myself I was working at my trade; yes.

Q. You were employed at the carpenter business when you went down to Ninth street and passed the examination? A. For whom?

Q. Either for yours or for anybody? A. When I went down for Mr. Morris, I was not working at it, but when I went down for myself I was.

Q. I was not asking you when you went down for yourself; were you in any business at the time you went down for Jacobs? A. No, sir.

Q. You were idle? A. I was idle.

Q. How long had you been idle? A. That is a question I don't exactly know for how many days or how many months; it was not very long.

Q. You are a friend of Jacobs? A. I never seen the man before he was introduced to me.

Q. Are you a friend of his now? A. Well, I see him occasionally.

Q. Are you his friend? A. I won't say exactly a friend.

Q. Do you know what I mean by the word friend? A. That might be it; in what way; what do you mean?

Q. What do you mean; do you mean to say that you don't understand my question? A. I do not understand what way you mean it yourself.

Q. I would ask you again, are you a friend of this man Jacobs who was here a moment ago? A. Yes, sir; certainly, I am a friend of a good many more men.

Q. Have you been at his store? A. I have been at his store.

Q. Have you been at his house? A. That is his store.

Q. Do you know his wife? A. No, sir.

Q. Have you ever seen her? A. Possibly.

Q. Has this man Jacobs been to your house? A. He has.

Q. Many times? A. I understand once.

Q. You understood at the time you engaged to represent this man, to pass his examination, that you and Brant, and Hasbrook and Deyer, were all engaged in the scheme, to rob him out of his money, didn't you? A. No, sir.

Q. Did not? A. No, sir.

Q. You have just testified that you were to get \$50 for your services? A. Yes, sir.

Q. Who were you to get that from? A. Dave Brant.

Q. Did you understand he was to get anything from Jacobs?

A. Where he was to get it from I knew nothing, but I was to get it from him.

Q. Will you swear you didn't, then, know that Brant was to get the money from Jacobs? A. No, sir; I did not.

Q. Brand did not tell you so? A. He was to get money; he did not tell who he was to get it from.

Q. Did you understand who he was to get it from? A. No, sir.

Q. Who was it paid you? A. Dave Brand.

Q. Where was he to get that money? A. That was his lookout.

Q. You were not interested in that? A. No, sir.

Q. Brand never paid you? A. No, sir.

Q. Why? A. Because the percentage, he never got it; Mr. Morris Jacobs' percentage was not very good.

Q. Your examination was a failure then? A. At the rate; yes, sir.

By Mr. Moss:

Q. Jacobs did not pay the \$50?

By Mr. Ransom:

Q. Now, is Mr. Brant a friend of yours? A. No, sir.

Q. Isn't he? A. He is no friend of mine; I know him; I can not call him a friend; if you know a man, is that a friend?

Q. No; oh, no; I know you, but you are no friend? A. It is about the same thing.

Q. How long had you known Brant? A. Well, I don't know.

Q. When you went down here with him to pass this examination? A. I seen him a couple of times.

Q. Have you ever been arrested in your life? A. Yes, sir.

Q. More than once? A. Yes.

Mr. Ransom.—That is all, sir.

Chairman Lexow.—Any further questions?

Mr. Moss.—Wait a moment.

By Mr. Moss:

Q. Do you know whether David Brant had passed for any other applicant who was appointed to the police force? A. Individually, I do not know it myself, but I have heard that he had.

Q. From whom did you hear it? A. That I can't remember.

Q. You mean to say that the percentages were obtained by Brant, who took the examination for applicants, who afterward were appointed, so far as you have learned?

Mr. Ransom.—I object to that; that is not a fair thing on the civil service board; there ought to be a limit.

Chairman Lexow.—I think that is a little too broad myself.

Senator Cantor.—He has testified he has already made some one or two.

Chairman Lexow.—It seems to me that proves nothing.

By Mr. Moss:

Q. Have you ever been convicted of a crime? A. Well, no; it was no crime.

Q. You want to state anything; you were asked if you had been arrested? A. I was arrested; my wife had me arrested; I was put under bonds for \$300.

Q. Is that all? A. Well, she had me arrested for nonsupport, but that is no crime.

Q. That is the only case? A. That is all.

By Mr. Ransom:

Q. You were arrested for beating your wife? A. I was discharged in the station-house.

Q. Were you discharged for beating your wife? A. Yes.

Q. Were you put under bonds? A. Yes.

Q. And you think that is no crime? A. No.

Mr. Ransom.—That is all.

By Mr. Goff:

Q. Neither is it a crime; were you discharged on that complaint? A. No; I was held on \$500 bond.

Q. That was for nonsupport? A. No; for nonsupport, I am on \$156 bonds.

By Chairman Lexow:

Q. Were you held under the charge of assault perpetrated on your wife? A. Yes; \$300.

By Mr. Moss:

Q. You were never convicted? A. No, sir.

Q. Were you tried in general sessions? A. No, sir.

Q. That was a bond to keep the peace; consequently, you have not been tried for assault? A. Only in the police court.

Chairman Lexow.—Mr. Moss, it is apparent you have a number of witnesses back there. Will you call them to-day?

Mr. Moss.—No; I have not; this is the last witness, so far as I know.

Chairman Lexow.—All witnesses summoned for to-day will appear here in Part II, at half-past 10 o'clock on Tuesday morning; the subpoenas hold good until then. Also, the witnesses under examination will appear at that time. We stand adjourned until half-past 10 on Tuesday morning.

Proceedings of the twenty-fourth meeting of the committee to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the city of New York, Tuesday, June 12, 1894, at 10.30 a. m.

Present.—Senators Clarence Lexow, Daniel Bradley, Jacob A. Cantor and George W. Robertson, of the committee.

John W. Goff, W. Travers Jerome and Frank Moss, of counsel for the committee.

DeLancey Nicoll and Rastus S. Ransom, of counsel for the police board.

Chairman Lexow.—Go on with your witnesses, Mr. Goff.

Mr. Goff.—All witnesses in court will remain here until they are called. They will not leave the court. Now, is Mr. Munzinger here?

Louis Munzinger, recalled as a witness on behalf of the State, testified as follows:

Direct examination by Mr. Goff:

Q. Have you brought the books that you were notified to bring? A. There is a resolution of the board of directors passed last night that was placed in my possession, directing me to hand over the books of the club to the Senate Investigating Committee of the State of New York.

Q. Are they here? A. They are, sir.

Q. What books are they? A. All the books.

Q. Call for them, please? A. Mr. Dowling (the messenger produces the books).

The witness hands the chairman the resolution referred to.

Q. Will you please recount the books that are in the package
No. 17

The Chairman.—Here is the resolution, if you want it, Mr. Goff, as part of the record.

New York, June 11, 1894.

"Resolved, That the treasurer of this club, Mr. Louis Munzinger, be placed in possession of and directed to deliver to the Senate Investigating Committee of this State, all books of account, check-books, bank-books, check stubs, return checks, paid bills, and all books of record of every kind and nature relating to the affairs and business of the Pequod Club.

"By COL. E. W. GUINDON."

Mr. Goff.—Well, we had better have those packages opened, please; we would rather deal with the books.

The Witness.—I have an inventory.

Q. Have you a list of them? A. Yes, sir.

Mr. Goff.—That will be just as good (the witness hands the paper containing the list of the books that he produces now in court); we will have that marked for identification.

(The paper referred to is marked Exhibit J, for identification, June 12, 1894.)

Mr. Nicoll.—What is the object of this testimony?

The Chairman.—We can not tell you; we will see what it leads to.

Mr. Nicoll.—I am informed this is a political social club, and that the books contain only the subscription and dues and accounts of the members of the club. It contains no moneys paid for political purposes in that district. It is just as if you should subpoena the books of any social club in New York that would prove so many members paid so many initiation fees and so many dues, and their accounts for billiards or restaurant amounted to so much.

Chairman Lexow.—I do not imagine Mr. Goff is going into any private business of the club.

Mr. Goff.—Oh, no.

Chairman Lexow.—And if those matters are made part of the record, and we know what Mr. Goff is driving at, we can pass on it.

Senator Cantor.—I suppose it is limited to the police department, or some members of it?

Mr. Goff.—We are identifying the books sent voluntarily by the club. I simply want to identify those books.

Mr. Nicoll.—I was consulted on the subject and said of course, send the books, and I felt it wise to inform the committee what the books are. We might as well send for the books of the Union Club or the University club.

Chairman Lexow.—We understand that, Mr. Nicoll, and we will protect the club, so far as the club has right to protection.

By Mr. Goff:

Q. No. 1, cash-book; that is in the packages here? A. Yes.

Q. What is that book? A. That is all the moneys I received, and all the disbursements.

Q. Moneys that you received and the disbursements? A. Yes, sir.

Q. There is an old check-book and new check-book; does that mean the book containing the stubs of the checks you have drawn? A. Of the checks, the stubs of the checks I have drawn; yes, sir; and the check-book that I have not drawn yet.

Q. That is in the current year? A. Certainly, in the current year.

Q. That is your bank-book; that means the pass-book of the club? A. No; the money deposited in the bank.

Q. What we call the bank pass-book? A. The bank pass-book.

Q. And the next book — bill — file with bills; that is a file containing bills of the club? A. Yes; that is the bills that have been approved by the proper authority that authorizes me to pay them.

Q. Then the next is package of bills and checks, three for 1892 and two for 1893? A. Those are the return checks.

Q. Then there is a receipt-book and cash-book, a day-book, a ledger marked financial secretary here; those belong to the financial secretary? A. Those belong to the financial secretary.

Q. The receipt-book is for money received? A. The receipt-books, I guess, are only for moneys received from me.

Q. And the cash-book? A. That is his own book; I do not know what state he keeps it in.

Q. And the day-book, that is his book? A. That is his book.

Q. And a ledger? A. That is his book.

Q. The roll-book of members, the roll-book board of directors, minute-book of the club, and the minute-book of the board of directors; those are all under the control of the recording secretary? A. Yes, sir.

Q. Which of those books, Mr. Munzinger, contains a record of the sale of tickets for excursions and chowder parties and things of that sort? A. We have none.

Q. The club has had such excursions, hasn't it? A. Yes, sir.

Q. And tickets for the excursion have been issued? A. Yes, sir.

Q. Wasn't there an account kept of the number of tickets issued? A. No.

Q. Wasn't each ticket stamped? A. That I don't recollect.

Q. Well, those tickets were sold, weren't they? A. Those tickets were sent out, one to every individual member only, and if a member chose to have any more he went to the committee and asked to take as many as he chose.

Q. But there were, were there members of the club or not, there were men who sold tickets? A. No, sir; not to my knowledge; I don't know.

Q. Didn't you keep an account of the number of tickets taken out by each member? A. No, sir; that was left to a committee, with full power; they conducted the affair, and after the affair was through and conducted they returned whatever it was to the club.

Q. What book of the books that you have produced, contains a record of the return of that committee— A. I suppose the—it must be the recording secretary must have a return of the committee.

Q. Wouldn't you, as treasurer, have any financial returns? A. No, sir.

Q. Well, isn't there a book containing a minute of the proceedings of the club, where it was determined to organize such an excursion or chowder party? A. I presume there is.

Q. Isn't there a minute fixing the cost of the tickets? A. I can not recollect that; everything is in there in those books of the transactions of the organization.

Q. Then there was a committee appointed to take charge of this excursion or chowder? A. Yes, sir.

Q. And had you, as treasurer of that club, anything whatever to do with the sale of tickets or the receipts for the sale of tickets? A. I was simply one of the committee, sir.

Q. You were one of the committee? A. Of the committee.

Q. How many were on that committee? A. That I don't recollect; I guess the record will show that.

Q. How frequently does the club have those excursions or chowders? A. That was the first one they ever had.

Q. In what year? A. Eighteen hundred and ninety-three.

Q. Last year? A. Last year.

Q. Well, there was a private chowder, what was called a private chowder given to one of your members, wasn't there? A. No, sir.

Q. Subscription chowder? A. No, sir.

Q. Testimonial chowder? A. Testimonial chowder? No, sir.

Q. Or an invitation of any kind to one of your members? A. No, sir.

Q. Now, last year, were you on any excursion under the auspices of the Pequod Club, except the one, the chowder? A. I think not.

Q. Can you give me the names of the committee having charge of that? A. I can not; it must be in the records, Mr. Goff.

Q. We will start with yours; you was a member? A. Yes, sir.

Q. Was there a treasurer for that committee? A. There was.

Q. Who was the treasurer? A. I don't recollect that; that was between the committee themselves; I have no recollection of that.

Q. You were a member of the committee? A. I admit that; but this is over a year ago; I don't recollect that.

Q. That is not such a long period of time; you don't know who was the treasurer of that committee? A. I do not recollect.

Q. How many members were on the committee, five or seven? A. The committee was, I believe, originally five, and then it was increased, and then it was reincreased again; I suppose the records show that.

Q. Who were the original five? A. I don't know who were the original five.

Q. Can you remember the name of anyone of that committee except your own? A. I think I was one; I ain't positive; I would not make the statement.

By Mr. Nicoll:

Q. The records show it? A. They are all in the records; I suppose the records must show it.

By Mr. Goff:

Q. But you don't know whether the records show it or not? A. All the transactions of the club the records must show.

Q. You say this committee carried on the excursion itself, independent of the permanent officers of the club? A. The committee could not carry on the excursion except the committee was named by the board of directors and given the power, and they must be given power.

Q. After the naming of the committee by the board of directors, did the committee hold any sessions? A. Oh, yes.

Q. Now, who were present when the first session of the committee appointed was held? A. If you take the records they will show who the committee were; I can not recollect; I can not think of the names now.

Chairman Lexow.—Why don't you let him look at the record?

By Senator Cantor:

Q. Do you remember about the date of the appointment of the committee? A. I guess that was last April, or March, I suppose.

Q. Was it by resolution at the club that it was appointed? A. It was by resolution of the club.

By Senator Bradley:

Q. Did you make a mistake about the year? Last April or March, that would be 1894? A. I meant 1893.

Q. You said last April or March? A. Well, the excursion was in 1893, you know.

By Mr. Goff:

Q. Let us see; pass that over for a moment, Mr. Munzinger; did you attend all of the meetings of the committee so far as you can recollect? A. Well, I may have and I might not; I am not positive.

Q. Was there any record kept of the proceedings of the committee? A. No, sir.

Q. No record? A. No.

Q. Who ordered and attended to the printing of the tickets? A. One of the committee.

Q. Which one? A. That I can not tell you; there was no records kept of it.

Q. No records kept? A. No.

Q. Into whose possession did the tickets go when they were delivered from the printer? A. In whose possession they were delivered from the printer?

Q. From the printer? A. In the hands of the secretary of the committee.

Q. Who was the secretary? A. I am not positive; I can not make no positive statement; I don't know that exactly.

Q. Well, we had better get the book? A. I can not mention the name and make a statement; I don't know the names.

Q. We will get the names; that will simplify the matters? A. It is quite a bundle to carry (as witness opens the bundle of books).

Q. Now, will you please turn to the book containing the record of the appointment of the committee? A. I cannot do that, sir.

Q. What? A. I can not do that; I was not the recording secretary of the board of directors; you will have to go all over that book.

Q. Was the appointment of the committee made by the board of directors or by the club in general meetings? A. By the board of directors.

Q. Well, there are two books there, minutes of the board of directors; can you point us to that book? A. I guess I can; I will see if I can; this is it.

Q. And about what time was the— A. I think it was last March or April; 1893.

Q. What was this committee called? A. Committee on outing, I believe.

Q. Committee on outing? A. That is it.

Q. By the way, it happens just accidentally here opening a page I find on page 100 of the minute-book of this book that you hand me the following-named "Meeting of the board of directors held on Monday evening, April 24, 1893, the following-named gentlemen were proposed and elected members: Schmittberger, Max F., 115 East Fifty-first street, proposed by William S. Devery, seconded by F. Tweed;" do you know who that Schmittberger was? A. Do I know?

Q. Yes? A. Not at the time; I did not.

Q. Do you know now? A. Yes, sir.

Q. Who was Max F. Schmittberger? A. Why, he is captain of the police.

Q. And who was the William S. Devery, who proposed him as a member? A. Will you let me look at that book there?

Q. Certainly sir.

Mr. Ncoll.—Mr. Chairman, we have been all over this.

The Witness.—A police captain.

Mr. Ncoll.—The fact that this Pequod club had policemen belonging to it, a police captain, was discussed at the previous sessions of the committee at great length, and evidence relating to it was put on record, and Mr. Martin, as president of the board, was interrogated by the former counsel for the committee, as to whether or not he thought it was proper, under the circumstances that police captains and officers should belong to the politico-social club, and it seems to me unnecessary to go all over it again.

Chairman Lexow.—My recollection was that President Martin did not remember very much about that; he could not state definitely, who were members among the police force, in that club, and who were not; he admitted there were some of the police captains who were members of the club.

Senator Cantor.—He called attention to it.

By Mr. Goff

Q. It was Police Captain Devery, you say? A. Yes.

Q. And who was this, "Seconded by F. Tweed;" who is F. Tweed? A. He is corresponding secretary of the club.

Q. That is the gentleman whose name appeared recently in the public papers connected with the excise frauds? A. I do not know, sir.

Q. Did you see it in the papers; did you see anything of it in the newspapers two or three days ago? A. About what?

Q. About Tweed? A. No, sir.

Q. You generally read the papers? A. I do.

Q. You mean to say that escaped your attention? A. It must have.

Q. And this is the first time you heard of Mr. Tweed's name being connected with excise frauds in this city? A. I never heard Mr. Tweed's name connected with excise frauds.

Q. Or procuring excise licenses? A. Never heard of that.

Q. He is an employe of the excise board? A. I believe he is.

Q. Don't you remember a few Sundays ago that in one of the leading journals in New York, Mr. Tweed's portrait adorned a page? A. I do not.

Q. Did you see it? A. No, sir.

Q. Have you been in New York? A. Forty-three years.

Q. I mean lately; you have not been away lately? A. Forty-three years; I have not been away lately.

Q. You say that resolution appointing a committee on outing was appointed in April—the latter end of April? A. Well, it must be—I can not remember whether it was April or May or March; I can not tell you; somewhere around there; as far back as March.

By Senator Bradley:

Q. Do you remember the month the outing took place? A. August 2d the outing took place.

Q. On page 77 of the minute-book of directors, I find this entry under date "Meeting of board of directors on January 16th, 1893; moved by Mr. Munzinger, that the club have an outing on or about the 3d day of August next, and that a committee of five be appointed to make arrangements; carried; committee, Messrs. Munzinger, Cox, Courtney, Reilly and Tweed. On motion of Mr. Reilly, Mr. Doll was added to the committee." That is the secretary, Mr. Doll; so it would appear by the regular course of proceedings you were chairman of the committee of five? A. That is right.

Q. Who is the secretary of it? A. Mr. Doll.

Q. Was there a treasurer? A. Yes, sir.

Q. Who was the treasurer of that committee? A. Mr. Courtney.

Q. Now, you as chairman of that committee, Mr. Munzinger, can you state whether there was a record kept of its proceedings; its financial dealings? A. No, sir; of financial dealings?

Q. Yes? A. No; no records.

Q. Was there any record at all? A. No; the committee made

memorandums of their own affairs, and I suppose they conducted that amongst themselves.

Q. Well, Mr. Munzinger, can you tell the committee anything at all about the disposition of the moneys received from the sale of the tickets? A. Can I tell you?

Q. Yes; can you tell us anything at all about it; you were chairman of the committee on outings? A. Yes; they were paid for steamer, eatables, music and renting and all that.

Q. Was there any account kept of the money received for the sale of tickets? A. No, sir.

Q. Well, did you not make a report to the club? A. Yes, sir.

Q. And in your report to the club, didn't you state how much money was received? A. No; I don't think so; I think the amount of surplus only was stated.

Q. Then we have it that in this very important transaction and this chartered club, that a committee on outing, having charge of an entertainment or excursion, which costs considerable money, that the club never heard how much money was received, is that a fact? A. I think so; that is a fact.

Q. That is a fact? A. Yes.

Q. And they only heard whether there was any money surplus or not? A. That is about all they heard.

Q. So, in fact, the committee never was called upon for an accounting? A. Never called upon for an accounting.

Q. And never made an accounting? A. No, sir; if there had been a deficiency I suppose the club would have stood to it.

Q. What is that? A. If there had been a deficiency I suppose the club would have stood it.

Q. But you, as financial officer of that club, as treasurer of that club, didn't you feel it to be a duty to exact an accounting from this committee, in which you were a member, to account for the sale of tickets? A. No, sir.

Q. What? A. No.

By Chairman Lexow:

Q. Didn't you keep a private memorandum? A. No, sir; I kept no memorandum at all.

Q. Didn't anybody of the club? A. I presume the secretary of the committee.

Q. Didn't that secretary make a report to the committee? A. I presume he did.

Q. Don't you remember the report he made? A. I do not.

Q. You don't know how many tickets were sold? A. No, sir; I do not.

Q. Or, what price they brought? A. I know what price they cost.

Q. How much did they cost? A. Five dollars a piece.

By Mr. Goff:

Q. How much did they cost? A. Five dollars a piece.

Q. Do you know how many were sold? A. I do not, sir.

Q. Could you approximate? A. I don't know that I could; there might have been a thousand sold.

Q. Raise your voice, please? A. There might have been a thousand sold.

Q. There might have been a thousand? A. There might have been less; I don't know.

By Chairman Lexow:

Q. Who had the distribution of those tickets? A. The committee.

Q. In what method did they distribute them? A. The secretary kept an account of his own, and then made his report to the committee.

Q. Did you have runners going around selling tickets? A. No, sir; I informed the gentleman there that we—every member of the club would have one ticket mailed to them and no more; the club consisted of 760 or 770 members; if any member of the club chose to get a ticket they came and got it; no outsider got a ticket, except a member of the club.

By Senator Cantor:

Q. To whom did they make application, if they wanted a ticket? A. To the secretary of the committee.

By Mr. Goff:

Q. Didn't the secretary keep a record of the number of tickets he gave to those who made application? A. I suppose he did, for his own information.

Q. Don't you know, as chairman of the committee, he did? A. He must have kept such a record.

Q. Don't you know that he did? A. He must have kept a record, certainly.

Q. And in your presence he made a record? A. No, sir.

Q. Do you mean to say the meetings of the committee having control of this outing there was no record presented, or nothing done in the presence of you as chairman that would show the number of tickets sold? A. No, sir; not at the meeting.

Q. At any other time? A. I suppose after the affair was over.

Q. Never mind the supposition; you mean to say there was no

written memorandum made or kept of the tickets sold on that excursion? A. I presume there was an account kept.

Q. I want you, as chairman of that committee, to tell us the fact; you were chairman of that committee; this is the record showing you were the chairman? A. What record?

Q. This record here. A. Certainly, it is the record.

Q. You moved the appointment of the committee, and were chairman of the committee? A. Yes.

Q. You mean to tell this committee that you, as chairman of the committee, took no account or interest in the number of tickets sold, and to whom the tickets were sold? A. I took interest; I did not take any account.

Q. You mean to say you were chairman of the committee and paid no attention whatever to the fact whether or no more than one ticket went to each one of the members? A. No, sir; I did not.

Q. And you can not say how much was realized by the sale of the tickets? A. I can not.

By the Chairman:

Q. Don't you know the total amount that was realized from the excursion? A. I don't know; how can I know that; that was a year ago.

Q. Wasn't it your duty, as chairman of the committee, to make a report? A. The report was made.

Q. Did you make a report? A. Certainly.

Q. When? A. That I don't know.

Q. Look at the books and tell us? A. Well, those books are not under my supervision.

Q. I don't care whether they are under your supervision; they are in court now, and you are an officer of the club, and were chairman of that committee; look in —

Mr. Nicoll.—Look for it.

The Witness.—I do not know what you want me to look for.

Mr. Nicoll.—Take the book and look all through it. Take an hour, or take a day.

The Witness.—I suppose I might have made a report; it must have been my yearly report to the club; it must be in there.

Q. You make a yearly report to the club? A. Of the finances.

Q. As treasurer of the club? A. Yes.

Q. And then the money for the sale of the tickets must have gone into your possession? A. It never went into my possession.

Q. In whose possession did it go? A. It stayed in the hands of the treasurer of that committee, and it was voted to donate

that money, made by the outing, to the unemployed in the district.

Q. How much was realized? A. Something over \$1,200; that money never went into the treasury at all.

Q. What I want to get at is the roll, the account of the sale of tickets? A. We have no such roll.

Q. When your report was given, had all tickets been paid for? A. Had all tickets been paid for?

Q. Yes? A. I do not recollect that; it was intrusted in the hands of the committee that had full power.

Q. You were chairman of that committee? A. I admit I was chairman.

By Senator Cantor:

Q. Was the committee subdivided? A. Certainly, they were subdivided.

Q. Into how many committees was the committee subdivided? A. The committee on outing; there was a chairman and treasurer and secretary.

Mr. Goff.— I want to say to the Senator that there were a number of other committees, and there was a committee on outing.

Chairman Lexow.— The different branches of its business were subdivided in the committee; was the committee on outing subdivided?

The Witness.— Certainly.

By Mr. Goff:

Q. How was it subdivided? A. Chairman and treasurer and secretary.

Q. Of the committee, was there any subdivision? A. There were additional names added to the committee to assist that committee.

Q. That was all the subdivision? A. And the subdivision that assistants was given for arranging to assist the committee to act.

Q. Who were the assistants? A. They must be in that book.

Q. In that book? A. Certainly; that is a part of the record.

Q. The gentlemen who are with you as members of that committee are yet members of the club? A. Yes, sir.

Q. We will let you go for the present, Mr. Munzinger, until we have a chance to look into the books; the sergeant-at-arms will take charge of those books? A. Will you give me a receipt for them?

Mr. Goff.— We will sign a receipt.

The Witness.—Sign the inventory I gave you here. (Chairman Lexow signs the inventory, presented by the witness as a receipt for the books.)

Serapio Arteaga, recalled, testified as follows:

Direct examination by Mr. Jerome:

Q. You saw Captain Price in court, did you not, this morning??

A. Yes, sir.

Q. Is he or is he not the captain to whom you paid money?

A. He is not.

Q. Have you since found the captain to whom you paid the money? A. I have not seen him.

Q. What is his name? A. I think he is Murphy.

Q. Is Officer Wagner in court? (Officer Wagner stands up.) Is that Wagner that you saw? A. Yes, sir; that is the man.

Chairman Lexow.—That is all, Mr. Arteaga. The next witness.

William B. Davis, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. State your residence? A. Fourteen hundred and twenty-eight Lexington avenue.

Q. Do you know John J. Ryan? A. I do.

Q. That is the leader of the Tammany Hall faction in that district? A. Yes, sir.

Q. Are you a member of the club of that district—the Twenty-fifth? A. I am.

Q. Do you hold any official relation to it? A. Not with the club.

Q. Did you? A. I was a temporary secretary of the club for about half an hour, until the permanent officers of the club were elected.

Q. Do you remember arrangements being made just prior to the last election, when there was some district captains present, and Mr. Ryan was present? A. Well, there were many arrangements made when district captains were present, because they are usually present at every meeting of the general committee, and the specific one I—

Q. Did you hear Mr. Ryan give any directions regarding the putting of particular police officers in special places in the district? A. Just prior to the last election, I think it was possibly Sunday evening previous to that election, there was a

meeting called of the general committee of the district, at which all the captains were present, and Mr. Ryan at that time, to the best of my recollection, made use of about these remarks, about as near as I can recollect them; he said, "Now, gentlemen, the committee have done everything in their power to make the election of this district a success to have a strong Tammany district for the Twenty-fifth district, to make it one of the banner districts and now it rests in your hands to see that the work is carried out;" after the meeting had adjourned—the meeting had already adjourned; I was secretary of the meeting; he said, "Now, if any of the captains of this district want any special officers, police officers, at their particular polling place, gives their names to the secretary and he will note them, because it is desirable to have men stationed at these polling places as near as possible to their homes, in order that when they go away to their dinner, etc., that they will not be long detained;" I took a list of the names.

Q. You were the secretary? A. I was the secretary, and am the secretary of the Tammany Hall organization of that district to-day, but not of the club; I took the names on a piece of paper, as the captains would give it; possibly we have 31 districts there, and possibly out of the 31 we had 20 captains who gave names of the officers whom they would care to have stationed at their particular polling places.

Q. Do you remember the names of any of the officers? A. No; that I can not.

Q. Have you the list of those officers? A. I have not.

Q. Is there any way in which you can refresh your recollection so that you can tell us their names? A. Only by the list.

Q. Can't you recall any one of them? A. Well, I am not acquainted with the police names there, so I really could not do that.

Q. You can not do that? A. I could not do that unless I had the list before me and could identify my own handwriting.

Q. What did you do with that list? A. I think I gave it to Mr. Ryan.

Q. Are you quite sure? A. Well, that is to the very best of my recollection at the moment; I did not give it sufficient attention at the time to count what time.

Q. Do you know what Mr. Ryan did with it? A. I do not.

Q. Do you know whether Mr. Ryan saw anyone with reference to the stationing of those policemen? A. I do not.

Q. Did he tell you whether he had said or done anything concerning the matter? A. He did not say anything about it to me.

Q. Did you observe whether the policemen whose names you

took were placed at the special places you mentioned? A. I was not in a position to observe, I being a captain of the district myself, I was right at my district all day long, and I don't know whether they were or weren't there.

Q. Did you have a special officer assigned to your district? A. No, sir.

Q. You were not one of the 20 men? A. I was not one of the 20, because I did not know any of the particular officers; I had no acquaintances.

By Mr. Ransom:

Q. You said you are a member of the club now? A. I am, sir.

By Chairman Lexow:

Q. Was anything said with reference to these particular officers being favorable to Tammany Hall, or protecting its interests at the polling places? A. Well, if there was I would have heard it, and I don't recollect now.

By Mr. Goff:

Q. Are you prepared to swear that Mr. Ryan on that occasion did not use words substantially to this effect, that the officers that he proposed to place there would be men that would protect the interests of Tammany Hall at those booths? A. I am swearing to that; that to my recollection there was never any such language as that used.

Q. Mr. Davis, don't misunderstand the question; will you swear that no such language was used? A. In my hearing, I swear that was not used, because I would hear it, and I would have heard everything going on.

By Senator Cantor:

Q. You would have heard everything? A. I would have heard it; I was sitting alongside of Mr. Ryan.

By Chairman Lexow:

Q. Was nothing said about the availability of these particular policemen for those districts because they were affiliated with Tammany Hall? A. No, sir.

Q. Was nothing said to the effect that the Republicans were not in it, and that they would not have the police to protect their interests there? A. I did not hear anything of that kind.

Q. Are you prepared to swear that nothing of that kind was said? A. Yes, sir.

Q. You swear that nothing of that kind was said? A. I do.

Q. Were you there during the whole of the interview? A. What interview?

Q. Between Ryan and the various district captains? A. That was open; he was sitting at the desk; I alongside of him as secretary, and he made the remark to the general audience that was in this public place—it was not in our regular meeting hall, our meeting hall had been rented for some ball or party, or something, and we had to go down stairs in the down-stairs place, so it was a public place, and I was sitting at a table alongside of Mr. Ryan.

Q. Have you given, as far as you recollect, all that was said on that occasion by Mr. Ryan? A. Well, I will try to fix my memory a little more if I can; I desire to give it as fully as possible; I can not think of anything else just now.

Q. So far as your recollection serves you, may there have been anything else said that you do not now recollect; or are you prepared to say that you have stated everything that was said? A. I am only prepared to say that I have stated everything that I heard; why, of course, I was naturally writing from time to time at the table; some remark might have slipped my memory; men might have come up and spoken to me at the table, for all I know, and diverted my mind where a remark might have passed.

Q. You were not specially interested in the question of policemen on your beat? A. No, sir.

Q. You say the only comment that Mr. Ryan made of the police, was that they should be in close proximity to their homes; is that all? A. I think—let me see; it strikes me that on that occasion Mr. Ryan did say, he said, "Now, gentlemen, see that every Tammany Hall vote is brought out; it rests with you to make this a glorious victory," or something of that sort; I can not testify his exact words because I can not remember them.

Q. Didn't he say in that connection that the police there would see that, notwithstanding challenges, every Tammany Hall ballot would be counted, and that the Republican ballot would not be counted? A. He did not.

Q. And that you had a majority of the inspectors and a majority of the police? A. I was about to tell you about the majority of the police when you interrupted me; he said, the majority of the inspectors are with us, and the police are with us, and that is all he said on that subject, but nothing about Republicans or Democrats.

By Mr. Goff:

Q. Mr. Davis, the chairman asked you, if you did not say something about the counting of the ballots, or the challenges?

Chairman Lexow.—Mr. Davis testified he said the majority of the inspectors were with them, and the police were with them; that substantially agrees with the story.

By Mr. Moss:

Q. Mr. Davis, what you are talking about at this moment occurred last year, related to the last election; you are not speaking about what occurred the year before? A. I am only talking about what occurred in the last election.

Q. The particular testimony that was in the mind of the chairman was in transactions that occurred in the prior year.

Chairman Lexow.—That is true.

Mr. Moss.—Now, we have got at a little more in 1893.

Chairman Lexow.—Is that all, gentlemen?

Mr. Moss.—That is all. Mr. Lewis H. Levi, is he in court. Mr. Lewis H. Levi. Mr. Jacobs?

Morris Jacobs, recalled, testified as follows:

Direct examination by Mr. Moss:

Q. You spoke of a certain Sergeant John Ryan as having been present when you and Danny Ryan, his son, were making the arrangements with Dave Brant and Mr. Barmstropp, that they should pass examinations for you; do you mean to say that Sergeant John Ryan knew, from the conversation that took place, that Barmstropp and Brant were going to do that act for you and Danny Ryan? A. I did not put it that way, counselor; I put it that Mr. Brant had taken me to the station-house, and that Sergeant Ryan said to Mr. Brant, "I want you to get my boy as near a hundred per cent. as possible," and that Mr. Brant said, "I will guarantee he goes on the first batch, because it would look suspicious if he would get a hundred per cent., and when he passed for himself, he got such a low percentage."

Q. Then, did Sergeant John Ryan know Dave Brant was working the percentages for you and Danny Ryan? A. Undoubtedly; he told me to stick to Dave Brant, and that I was in good hands, and that I would get on the police all right.

Q. There is no doubt about it, is there, that Danny Ryan was the son of Sergeant John Ryan? A. Not the slightest.

Q. Have you ascertained, since the last session, the name of any other police officer who was impersonated by Dave Brant—police officer who was an applicant?

Chairman Lexow.—Any applicant for police appointment.

By Mr. Moss:

Q. And now an officer, I mean? A. I did come across a man by the name of Clark, who is sitting over there now.

Q. I am speaking of a police officer now?

Mr. Ransom.—I only intervene to get the record right. I do not understand the question.

Chairman Lexow.—Strike out the last two questions.

By Mr. Moss:

Q. Are you aware of any police officer who, when he applied for a position upon the force, was impersonated by Dave Brant upon the mental examination? A. Of my own personal knowledge no; but Mr. Clark informed me—

Mr. Ransom.—I object.

Chairman Lexow.—I do not think that is quite fair, Mr. Moss.

Mr. Goff.—Is Clark in court?

The Witness.—Clark is in court.

By Mr. Moss:

Q. I ask you for the name of the policeman? A. Keating.

Q. Do you know his first name? A. I am sure I do not, whether it is John or Dan.

Q. Will you please tell, if you know, what is the business of John J. Ryan, the leader in the district? A. Well, as far as I have been able to understand, his business is to get people out of trouble when they get arrested, and procure patronage.

Q. You don't understand me; what is his occupation? A. Deputy street cleaning commissioner.

Q. And P. J. Ryan, what is his business? A. He is business manager—I understand he is inspector of street openings.

Q. Do you know the names of any of the officers of the Hebrew club of which you spoke? A. Lewis H. Levi, Morris Levine.

Chairman Lexow.—I understood him to say an Italian club.

The Witness.—No; a Hebrew club.

By Mr. Moss:

Q. Were you enrolled as a member of that club yourself? A. I was eventually.

Q. Would you recognize the books of that club? A. I can not read them; they are written in Hebrew.

Q. Would you recognize them? A. Yes; I would.

Mr. Moss.—I would like to have those books marked for identification.

The Witness.—That is one of the books all right.

Q. That is one of them? A. Yes; yes; this is the other one; that is the other one all right.

Mr. Moss.—I will just have that marked for identification. They are in Hebrew. I can not read them myself now.

The Witness.—I was given to understand at the time one had the names and the other the addresses.

(Books marked Exhibits K and L for identification, June 12, 1894.)

Q. Were you asked by any one to pay any money for having Brant and Barmstroff pass examination for you, or for having Barmstroff pass for you? A. They did not tell me they would have to pass for me, but they would give me my percentage.

Q. Was you asked to pay any money? A. I was.

Q. By whom? A. By Brant.

Q. How much?

Chairman Lexow.—We have been all through that, Mr. Moss.

Mr. Moss.—I don't think that is quite clear.

Chairman Lexow.—I think that is quite clear to the committee.

Q. Did you pay the money that was asked? A. I did not; I did not get the percentage.

Senator Cantor.—Barmstroff said he was not paid.

Chairman Lexow.—Barmstroff made an independent collateral, underlying agreement to receive his money.

By Mr. Moss:

Q. Just to have it clear; was there any demand made upon you by Hasbrouck at or about that time? A. Yes,

Q. What was that? A. He called upon me for \$100.

Q. Did you pay Hasbrouck? A. I did not.

Q. Now, after Brant and Barmstroff passed these examinations, what was the next that occurred? A. An officer came into my store and asked me if my name was Jacobs; I said yes, and he took his hat off and took out an envelope and handed me an envelope, and it was a notice to come down before Inspector Byrnes the next morning.

Q. Was he then inspector or superintendent? A. The inspector.

By Senator Cantor:

Q. Can you fix the date of this? A. I can not.

Q. The year? A. I believe in 1890 or 1891.

By Chairman Lexow:

Q. About what time — summer, autumn, or spring, or winter? A. They have got the record down at headquarters.

By Senator Cantor:

Q. You don't recollect? A. I don't; I can get the record of it.

Mr. Ransom.— Can't he fix the year?

Senator Bradley.— He says about 1890 or 1891.

By Mr. Moss:

Q. Go ahead, and tell what happened?

By Chairman Lexow:

Q. Tell what happened between you and Superintendent Byrnes? **A.** The inspector asked me why I did not go through that examination myself; I told him I did not understand what he meant; why, he said, George Barmstroff passed the examination for you; and he says, was it because you could not pass yourself? I said, no, it was not because I could not pass myself; well, he says, what makes you think you could; I said, because there is nothing that you would ask there that I would not be able to answer intelligently; then why didn't you go; because, I said, I was informed that the clerks of police departments had the making up of ratings, and that if I went down there I would be going contrary to what they were doing for those men who got appointed, that did apply for the position, and if the questions were technical, and if I got 100 per cent., I would not get 60; that some other fellow would get it; that if I left them to do the business for me they would guarantee to get me on the first batch, and eventually Barmstroff was introduced to me by Mr. Brant; and I never spoke about Danny Ryan then.

Q. You are now telling your conversation with Byrnes? **A.** With Byrnes; and he got somebody to write down that statement, and got me to sign it, and told me to come next day; when I came down next day—

Q. Wait a moment; did you have any argument with Mr. Byrnes about what you should state in this statement he drew up? **A.** Not that day.

Q. Go ahead? **A.** The next day — oh yes; that same day I did too; he had suggested one or two things while an officer was writing, that he wanted me to confirm; and I told him I would not, because it was not so; that is what implicated certain parties; I told him it was not so, and I would not swear to it.

Q. What parties did he want to have implicated? **A.** Some people on the outside; I do not remember who they were.

Q. Do you remember the names? **A.** One was Sanders' brother; and I forget the others.

Q. Were they persons you had had relations with at all? **A.** No; only a brother to Sanders.

Q. Go ahead? **A.** He wanted me, at that time, to state I had put up money with Sanders to guarantee Sanders the money that

would come to him when everything was all over; but that did not take place, and I would not swear to it.

Q. How much did he say to you about that; how much did he urge you? A. About \$100.

Q. How much did Byrnes urge you to implicate Sanders? A. He did not try very hard; when he found I would not do it he dropped it; he said go on and tell what you know.

Q. Go on? A. When I got down the next day he told a man of the name of Frank Cosgrove to sit down and write what I told him; but before I had a chance to tell him anything Mr. Byrnes sat down and dictated what I was to say; and he said he could dictate in one word what I might say in a dozen words; and he told me to sign it after that, and there would be no arrests made, and I would not be locked up.

Q. In saying there would be no arrests made, give Mr. Byrnes' language? A. He said, "Jacobs, there will be no arrests made; all I want to do is to get those two;" will I gave those expressions?

Q. Yes? A. "All I want to do is to get those two sons of bitches out of the office that have been robbing you and a great many others, and they can not do any further."

Q. Whose names did he state? A. Hasbrouck and Dwyer.

Q. Do you say he said there would be no arrests made? A. Yes, sir.

Q. Did he understand that Barmstropp had represented you? A. Why, he told me he did.

Q. And that Brant had impersonated another man? A. He asked me if I knew Brant; I said I knew him, and that Danny Ryan was party to it; he asked me if I knew Ryan.

Q. Answer the question? A. Undoubtedly, he knew it.

Q. Did he know Danny Ryan was implicated in the matter? A. He asked me if I knew those people, and I did not satisfy him on those matters.

Q. Did he know Sergeant John Ryan was implicated in it? A. I could not tell you.

Q. Was the name mentioned? A. He asked me if I knew Danny Ryan and Dave Brant.

Q. Did he speak of John Ryan, the sergeant, particularly? A. I don't think he did.

Q. Was this a son of Sergeant Ryan; did he mention something like that? A. No; I wouldn't own up I knew Danny Ryan down there; I was minding my own business.

By Mr. Moss:

Q. You were going to give a conversation of Danny Ryan? A.

Danny Ryan came around to my store and said, "Have you got a letter;" and I says, "Yes."

Mr. Ransom.—I object to that.

Chairman Lexow.—How is that material?

Mr. Moss.—I want to get the point that Danny Ryan spoke to him about his getting his appointment.

The Witness.—He says, "You will be called upon to go to Byrnes' office.

Mr. Ransom.—Mr. Witness, don't you know I objected? Will you instruct the witness to wait until I get through. I understood you ruled in my favor.

Chairman Lexow.—Certainly, just answer the question propounded by counsel. Answer his question instead of giving another story.

By Mr. Moss:

Q. Did Danny Ryan come with the first intimation that you were going to be called to see Byrnes? A. He did.

Q. And did he say to you what you should say or should not say to him? A. Yes; he showed me a letter he had received from Mr. Byrnes; he says, "When you go down there you had better tell the truth, because you will be caught; he says the fact is Barmstropp personated you, and Dave Brant personated me, and don't you say anything of it, because he says he knows all."

Q. Did Mr. Byrnes know of Woodbridge's connection with the matter? A. He wanted to know how it was I got in with such a crowd, and I told him Mr. Woodbridge was the man that introduced me to those people, and related the whole story to him as I related it to the committee.

By Chairman Lexow:

Q. Do we understand you to say that this Danny Ryan had a letter from Byrnes? A. Yes; the same as I did.

Q. And stated to you that he knew that Byrnes knew all about the transaction? A. Yes.

Q. Both with reference to himself and with reference to yourself? A. Yes, sir.

Q. And that he procured another man to impersonate him? A. Yes, sir.

Q. And do you mean to say this same Danny Ryan was appointed a policeman after that? A. He was appointed a policeman after that, and he made another application; and I don't know what post he is, but he was appointed afterward, I made another application and I did not get appointed, and I passed also.

By Mr. Moss:

Q. After having made this communication to Mr. Byrnes did you go before the commissioners? A. I did.

Q. State briefly what transpired there? A. Mr. Byrnes had Hasbrouck, Dwyer and Officer Woodbridge brought down for me to identify and to state in their presence all that occurred.

Q. Do you know whether, as the result of that, Dwyer and Hasbrouck resigned or were dismissed? A. Dwyer got dismissed and Hasbrouck resigned.

Q. Is that all that came out of the matter after your statement to Mr. Byrnes and to the commissioners? A. I did state at the time.

By Senator Bradley:

Q. Is that all that came out of it? A. That is all that resulted.

By Chairman Lexow:

Q. Nobody was prosecuted? A. Nobody was prosecuted.

Q. Dwyer was dismissed and Hasbrouck resigned? A. Yes, sir.

Q. Was any indictment procured against them? A. No, sir.

Q. Who, besides Inspector Byrnes, of the police force knew of these facts? A. Officer Woodbridge.

Q. Did any of the commissioners know about it? A. Undoubtedly, because I came before the commissioners and confirmed the statement I signed down stairs.

Q. You went before how many commissioners? A. Four of them.

Q. And you went before four commissioners and you made the same statement to them as you made to Inspector Byrnes? A. Yes.

Q. And did they ever take action as you know of on that statement? A. I asked if I could seek an appointment again; they said if I let the matter die out and again made the application they had no objection; I let the matter die out a year longer than Danny Ryan did, and I got a rating of 87.18 and did not get appointed.

Q. What commissioner did you appear before? A. Commissioners Voorhes and McClave and McLean and Martin.

By Mr. Moss:

Q. Look at that piece of paper and state if it was handed to you by any one in the police department? A. This was handed to me by a man of the name of Starr; he told me he got it from one of the clerks of the police department.

Q. Look at it and see if you refresh your memory as to the date when Dwyer was dismissed and Hasbrouck resigned? A. Those were the dates I was told they were dismissed and resigned.

Q. See if you can tell by looking at that what the dates are? A. September 16th Dwyer got dismissed.

By Senator Cantor:

Q. What year? A. Eighteen hundred and ninety; Hasbrouck resigned September 24, 1890.

By Mr. Moss:

Q. Will you please to look at that writing on the back of the paper and tell me what it means? A. "Let me have ten."

Q. What does that mean? A. I could not tell you.

By Chairman Lexow:

Q. "Let me have ten?" A. "Let me have ten."

Mr. Moss.—I do not know what it means. I saw it on the back of the paper, and thought it was suggestive.

By Senator Bradley:

Q. Did you get that paper from anyone? A. Yes; I did.

Q. Don't you know what that 10 means? A. No; I could not tell you what that 10 is, because I did not get it from any official or clerk.

By Senator Cantor:

Q. You can not imagine what that means? A. No.

By Mr. Moss:

Q. The back of this paper has your ratings on it; let me read to you, "February 9, 1893, physical 76 and a fraction Dr. Brown, mental 87 and a fraction," those are your ratings, are they not? A. That is more than I can tell; I never read them.

Q. Who gave you this paper? A. I got that from Mr. Starr.

Q. I will ask you to look at it again? A. I see it is just as you say; but this is the first time I read it.

Q. Whose handwriting is that? A. That is more than I can tell you; I got this from Mr. Starr; he can probably tell who gave it.

By Chairman Lexow:

Q. When did you get it from Starr? A. I got it from Starr

about four weeks ago; I asked him if he had the dates as he went down to hunt up the record; I was informed by somebody that he went down to hunt up the records in the event of my getting appointed that he would have the proceedings published.

By Mr. Moss:

Q. Now, on the left-hand side of that paper is a corner torn off, with a part of the name of Phillips; what does that mean; do you know? A. Well, that is all; it is part of the name of Phillips, April 19, 1894.

Q. Has it any reference to Lee Phillips, of the board of examiners? A. The man that gave it to me could inform you; I can not; he informed me that those are the dates they were dismissed.

Q. Did any body ask you to have \$10 at or about the time this paper was handed to you.

Senator Bradley.—Answer yes or no.

A. No, sir.

By Mr. Moss:

Q. Now, you say that after your statement to Mr. Byrnes and to the commissioners, and the advice by Mr. Byrnes that you should let the matter rest—or was that the commissioners' advice? A. Both.

Q. Both Byrnes and the commissioners? A. Byrnes asked me if it came up—I asked if they had any objection to applying again, and that is what they said.

Q. Did any one of them, Byrnes or the commissioners, make any objection to your applying again and passing your examination in your own proper person? A. Not to my knowledge.

Q. You never heard of any? A. No, sir.

Q. When did you make application for appointment? A. About two years and a half ago.

Q. How did you make that application? A. I first went to the police commissioners, and I asked them for a blank, and they told me I could get them at Cooper Union; I went to Cooper Union, and I was informed that they had none then; I called again with a friend of mine who was taking a stroll down that way, and he waited for me up stairs, and they gave him a blank.

Q. Did you file your blank? A. I did.

Q. That is the first time you had ever filed a blank or application signed by yourself? A. That is the first time.

Q. Then who did you see, if anyone, in order to facilitate your application; who was the first person you spoke to to help you out? A. To facilitate?

Q. Yes; to help you get the appointment? A. Oh, to help me get the appointment; the first one was John J. Ryan.

Q. Where did that take place; where was it?

Mr. Ransom.—Objected to. Mr. Ryan is not a policeman, and he is in no way or sense related to the police department. I do not object unless counsel fails, as he has so far, to connect the police with all those impossible stories and hearsay evidences and conversations between the witness and Ryan.

Chairman Lexow.—Except in this sense, that if facts can be shown here that legislative action should be taken on in reference to interference by district leaders with the police force in the city either by way of securing appointments, or any other way is very material evidence.

Mr. Ransom.—I agree to that and have no objection to such testimony. It does seem to me that the committee will not take the time for a recital of conversations between some man and Mr. Ryan's club who may be anxious to get on the police, and in a very natural way and very proper way sought his favor and proper assistance. Now, if Mr. Moss is going to connect Ryan with some fraud I am prepared to say I think it ought to be let in, and I suppose the committee will do it.

Mr. Moss.—I hope to connect Mr. Ryan with this matter.

Chairman Lexow.—Do you propose to connect them?

Mr. Moss.—Yes, I do, in addition to the reason the chairman has suggested for allowing the testimony.

By Mr. Moss:

Q. What transpired between you and Ryan? A. I was delegated by a club that I was a member of, the workmen they called the Thomas Cochran Association, to see Mr. Ryan, with a view to see what arrangements we could make politically for to get patronage; and a man came up to me and asked me if I was looking for a position, and I said, "Certainly, I am a candidate for the police;" he says, "I am well acquainted with Mr. Ryan, and know him from boyhood, and will speak to him for you and give you an answer."

By Mr. Ransom:

Q. Will you give us the name? A. His name is Thomas Stapleton; he came to my store next evening, and he told me Mr. Ryan informed him I could get there if I had the necessary.

Mr. Nicoll.—I move to strike that out.

Chairman Lexow.—I do not think it is right.

Mr. Moss.—It is useless to strike it out. We had better let this man tell his story in his own way or we won't get it at all.

The Witness.—I asked him what it was, and he said that you see Mr. Ryan again and, well you know, and he told me \$300.

Q. He told you what? A. Mr. Stapleton told me \$300.

Mr. Ransom.—Should that stand on the record, Mr. Chairman?

Chairman Lexow.—I don't think it ought to unless it is connected.

Mr. Ransom.—There is so much stuff that ought to be stricken out that we will forget this.

Mr. Moss.—We have been looking for people that gave \$300 and this is one of them.

The Witness.—I told him I would be down to see Mr. Ryan with him the next night, and I went down the following day to the bank, and I got a check certified for \$300.

By Senator Cantor:

Q. What bank was it you went to? A. The Bowery National Bank; it is now the Bowery State Bank; I was introduced to P. J. Ryan, the leader's brother, and he said "If you are ready, we are ready;" I says, "Well, I was informed by Mr. Stapleton to have \$300; here they are;" he looked at the check, picked it up and turned it around; "I will tell you what to do, Jacobs," he said; "I will speak to my brother."

Q. Who was the brother? A. John J. Ryan; "and then I will let you know what he says, and in the mean time you take that check back;" I took the check back, and he said, "I will let you know to-morrow night;" the next night I came down there; he said we will have two campaign meetings, and you subscribe \$50 for one and \$50 to the other, and that will be \$100, and my brother will give you instructions what to do with the balance.

Q. Did you make those subscriptions? A. I did.

Q. Did you pay any money? A. I did.

Q. In the presence of Mr. Ryan? A. In open meeting.

Q. Was John J. Ryan present? A. He was present; I was told they would call for subscriptions, and people would subscribe of their own accord, and I should do the same to make it appear I was supporting the campaign.

Q. Who told you it was to make it appear so? A. P. J. Ryan; I put the check down at open meeting, and I shouted out \$50, and when the meeting was over Mr. John J. Ryan handed me \$250 change.

Q. From the check? A. From the check; I held that change for about a week, and P. J. Ryan got off a car and met me on the

street, and said, "You had better bring us down the bills; my brother don't want that check."

Q. Did you do that? A. I did; I went to the bank and drew out \$300 and took the check back.

Q. I understood you made a great many contributions at Mr. John J. Ryan's request; please state them generally; do not go all over the question; who handed you the check back? A. P. J. Ryan.

Q. Was John J. present? A. Not at that time; now he says—but before I put in one dollar in the campaign fund I wanted to see Mr. John J. Ryan; and I told John J. Ryan what P. J. Ryan informed me to do with my money and I would not do it unless he said it was all right; he said, "I give instructions to my brother, and you carry out his instruction, and I will see you get on the police;" and so I done that; "Well," he says, "You will have to spend the balance where it will do the organization the most good;" I said, "Will you explain that to me;" he said, "In a few days from now I will put you on the campaign committee and that will give you the power to go around the district, and I will tell you where to go to; and he called me in the meeting-room and asked me if I knew the existence of such a club; I will name one of them in One Hundredth street; I said I heard there was such a club up there; he says, "Go up there and see if there is anything necessary, and if there is anything necessary," he says, "You see that it is got there."

Q. Is that your appointment on the campaign committee (showing witness paper)? A. That is my credential for the campaign committee.

Q. Signed by John J. Ryan? A. That is in his name.

Q. Who handed it to you? A. The postman; it was sent by mail.

The paper is offered in evidence and marked Exhibit M, June 12, 1894, and is as follows:

"Twenty-fifth Assembly District, Tammany Hall Headquarters, Ninety and Ninety-first street and Third avenue, New York, October 26, 1892.

"Dear Sir.—You have been appointed a member of the campaign committee which will meet at these headquarters this Wednesday evening, October 26, 1892, at 8 o'clock. It is imperative that you be present.

"Yours truly,

"JOHN J. RYAN."

"To Mr. Jacobs."

The Witness.—Then I went around to the One Hundredth Street club. He said if there is anything wanted, you know what has got to be done; and his brother told me I was to be liberal when I went around electioneering. I was that liberal that it cost me about \$1,400 or \$1,500 up to now.

Q. Have you had conversations with John J. Ryan while you have been spending this \$1,400 or \$1,500? A. Hundreds of times; I told him I was disappointed; I thought I was going to be appointed after election, and P. J. Ryan would tell me whether I should stand any more, and P. J. came and asked me for \$20 or \$25 when he wanted me.

Q. You have been holding up the John J. Ryan's political fortunes? A. Yes; he said if he gave it to me to spend, it would be just the same, because it would reach him anyway.

Q. Is that your notification to appear for the physical examination? A. Yes, sir.

Q. That is dated August 25, 1892; I offer it for the date.

It is admitted that the date is August 25, 1892.

Q. Did you have any conversation with your appointment was delayed? A. At one time he told me that such acts of mine was preventing me, and I went away with that, and I informed another man who asked me what we were speaking about.

(Objected to.)

By Mr. Moss:

Q. Was John J. Ryan present when you made that statement?

A. He was not present; but John J. Ryan called me to account for it; he says, "Jacobs, you have no right to tell people I have turned you down; I have not turned you down; your name never came before the police commissioners; as soon as it comes before the police commissioners I will get you appointed; I said, you told me that that last case would prevent me; he said, "I will get you appointed;" he said, "You did not get percentage enough to get on the first batch;" and I asked him why he changed the percentage of Tom McGuire; he changed it from 80 to 93.

Q. How do you know he did that? A. Yes; he told me that; he explained it in the presence of William B. Davis.

Q. Who is McGuire? A. He is now an officer.

Q. A policeman? A. A policeman.

Q. Whereabouts is he? A. I could not tell you what precinct he is in now; he explained to me the candidate went in and passed the examination, and took down the answers he had given to the questions, and came out; and when John J. Ryan looked at

the questions he found the civil service board had made a clerical error.

Q. That is what Ryan said? A. Yes; in giving that man his rating; and when they informed him what it was, they altered it, and he got the man appointed; I said, maybe you could find a clerical error for me; I waited a long time to get appointed.

Q. Was anything said about a complaint about a keeper of a disorderly house you had made as interfering with your prospects? A. Yes, there was some officer whose name I do not know or whose number; he was attached to Captain Gunner's precinct; and he said a man of the name of Dempsey was trying—
(Objected to.)

Q. Was this a police officer? A. Yes; this was a police officer.

By Mr. Ransom:

Q. Do you know his name? A. His name was Michaela.

By Mr. Moss:

Q. Is he a detective? A. No; he is a patrolman.

Q. In Captain Gunner's precinct? A. He was at that time.

Q. That was in 1892 or 1893? A. Eighteen hundred and ninety-one or 1892; he said if you had never made a complaint against that man for keeping a dive, you would have been appointed.

Q. What man was that you made a complaint against? A. He was also an applicant for the police—John Brophy, 1775 Third avenue, the same house I was in.

Q. Were you informed by any policeman that this divekeeper had complained about you at headquarters for interfering with him? A. No; this policeman was a friend of mine; I knew him before he got on the police force; and he told me the mere fact of my complaining against that man that was running that place will deprive me of ever getting on the police force; that same candidate afterward admitted, I believe, that he paid \$300 to get on the police force.

(Objected to by Mr. Ransom.)

Q. Who is that; Brophy? A. Brophy.

Q. Who did he admit that to? A. I read it in the newspaper. Chairman Lexow.—That is excluded; strike it out.

Mr. Nicoll.—Leave it in in order to give a sample of the evidence.

Mr. Goff.—On consent of the other side let it go in.

The Witness.—That he paid \$300 and did not get appointed.

Mr. Nicoll.—I have no objection to any such rubbish going in.

Chairman Lexow.—If there is no objection, let it go in.

Mr. Goff.—Will you admit all the newspapers have said on that subject?

Mr. Nicoll.—I might just as well.

Q. Did you have any conversation with Mr. Commissioner Sheehan recently about this application of yours? A. Mr. Ryan had made an appointment to meet Commissioner Sheehan, and he said he spoke to Commissioner Sheehan, and he objected to appointing him, and Commissioner Sheehan said, "We have our appointments pro rata, and if anyone had spoken to me in your behalf I would only be too glad to appoint you;" but, he said, "No one has spoken to me for you; our slate was all made up and it was impossible for me to get you appointed now;" I called attention to the fact that Ryan was all the time speaking to him, and he said he did not, and that was the first time anyone spoke to him; I informed him that my percentage was 87.18 and others lower were appointed.

Q. Are you on the eligible list? A. Yes.

Q. What did Mr. Sheehan say when you said others were appointed? A. He said they were interceded for in time; I was not.

Q. Did he mention any name? A. He did not mention any names.

Q. Give all the conversation at that point? A. Mr. Ryan said tell Mr. Sheehan what trouble you had four years ago.

Q. What did Sheehan say to that? A. Sheehan said, make it as brief as you can, I do not want to hear the whole of it.

Q. After you stated it what did he say? A. He said that would not debar you; he said they roped this fellow in, and that was no fault of his; that wouldn't make any difference; he said on account of the investigating committee it would be dangerous to appoint me now.

Q. This investigating committee? A. Yes; the Senate investigating committee.

Q. The excuse Sheehan made was you had not been interceded for? A. That is the reason.

Q. And other persons of lower percentage had been interceded for? A. No; I said that.

Q. What did he say in reply? A. Because they had been interceded for.

Q. How long ago was this? A. Three months ago.

Q. Were you on the eligible list? A. Yes, sir.

Q. How many times had your name been before the commissioners on the certificate of the examiners? A. It only reaches down there once.

Q. It only reaches there once? A. Once; but it took me two years and a half to get it down there.

By Senator Cantor:

Q. When did you pass the examination? A. I passed the mental examination the 29th, a year last April, on the 29th of April; that is, a year last April, the 29th.

By Mr. Moss:

Q. I think you said the alderman of your district is William A. Baumert? A. That is his name.

Q. Elected at the last election for the first time? A. For the first time.

Q. Have you an account with William A. Baumert? A. Well, I have.

Q. For myself and for other persons? A. Well, he told me to make up suits of clothes for different district captains, and he would pay for them.

Q. How many district captains did you make suits for? A. I made four suits for district captains, and one for a roundsman, who is now a sergeant.

Q. Who was the roundsman? A. Roundsman Ryan; this is another Ryan.

Q. What is his first name? A. John Ryan.

Q. Where is he stationed? A. I think—I couldn't tell you where he is stationed, but he is somewhere over the bridge.

Q. In the annexed district? A. Yes; he was formerly in the Eighty-eighth street station-house.

Q. You mean to say Baumert told you to make a suit for that roundsman? A. Undoubtedly he did; he told me before election, "I will send you some men around to make suits for, and I will pay for them," and he told me not to make them until the election was over, but Mr. Ryan did get his suit of clothes before election.

Q. Did he tell you anything about the price that you were to say was on these clothes? A. Yes; he told me to tell them they cost \$5 more, each one of them, so as to make it appear he was giving a bigger present.

Q. Has Mr. Baumert paid you the money on account of these clothes? A. He has paid a great deal.

Q. Has he paid you on account of that suit you made for the policeman? A. He has paid me more than that; he paid me more than that.

By Chairman Lexow:

Q. Has he paid you on that particular item? A. Well, I could

not say for that particular item; he has paid me for more than would cover that particular item.

Mr. Nicoll.—What does it prove, that somebody gave a man a suit of clothes?

Mr. Goff.—It proves this, that a candidate for election paid bribes after election to policemen after election; that is what it proves.

Chairman Lexow.—That inference is justified after some additional facts. Is that all?

Q. Did anyone send for you last night? A. Yes.

Q. Who? A. Mr. Duffy.

Q. Who is Mr. Duffy? A. The boodle alderman.

Q. The boodle alderman? A. Yes, sir; I would not say he sent for me, but a man told me Mr. Duffy wanted to see me.

Q. Did you go to him? A. I did not.

Mr. Nicoll.—Repeat all the evidence over again.

Chairman Lexow.—I guess not.

Mr. Moss.—I object to that.

Chairman Lexow.—Is your direct examination finished?

Mr. Moss.—Yes, sir.

Chairman Lexow.—Have you any cross-examination?

Cross-examination by Mr. Ransom:

Q. You could not repeat all this evidence if you tried?

Mr. Goff.—Objected to.

Chairman Lexow.—That is immaterial.

Q. I withdraw the question; although that is a perfectly fair one, I withdraw it; witness, where do you live now? A. Seventeen hundred and ninety-seven Third avenue.

Q. And are you still a merchant tailor? A. Yes, sir.

Q. Have you ever had any other business? A. Never.

Q. And your age is what; how old are you? A. I am going on 34.

Q. I understood you to say you were married? A. I am.

Q. In an interview that you had with Inspector Byrnes you said that Inspector Byrnes told you that you had been cheated and swindled by these sons of bitches, and intimating that he wanted to get them out of the department? A. That is correct.

Q. Is that correct? A. That is correct.

Q. You yourself were of the same opinion, were you not, that you had been cheated and swindled by those men? A. I could not form any opinion.

Q. At that time didn't you believe that you had been cheated and swindled by those men? A. No; at that time I supposed they being members of the department that that was the way they got men on the police.

Q. When you saw Byrnes, you had confidence those men were dealing fairly with you? A. What?

Q. At the time you saw Byrnes you thought these men were dealing fairly with you? A. I did until I saw him.

Q. And when Superintendent Byrnes told you they were cheating and swindling you, it was not your first suspicion? A. No; I knew they were not any good by the way they treated me.

Q. Before you saw Byrnes you were of the opinion that these men had been cheating you? A. No; I was not of the opinion they had been cheating me, but I was of the opinion that they were no good.

Q. What is the difference?

Chairman Lexow.—What he meant was that in this particular transaction they were not treating him fairly.

Q. Had you ever known the officer Hasbrouck, who was part of the coterie of speculators, before he waited upon you with this suggestion that you apply for this position of policeman? A. Sanders introduced me to him.

Q. Who was Sanders? A. The supposed go-between of the commissioners and the applicant.

Q. Do you remember his full name? A. Theodore Sanders.

Q. Where does he live now? A. I could not tell you.

Q. Have you ever seen him since that time? A. Yes; I saw him at Cooper Union every time I went up for examination.

Q. You mean at the rooms of the civil service? A. Outside of that, speaking to candidates.

Q. Had you ever known this man Barmstroff who testified last Friday? A. I knew him after Dave Brant introduced me to him.

Q. You never had known him before? A. No.

Q. Did you ever have any conversation with him as to what he was to do? A. No.

Q. Did you know he had anything to do with the transaction? A. Did I know that he—after Brant told me.

Q. You didn't know beforehand? A. No, sir.

Q. Did Brant tell you he was to see him to present you before the civil board? A. No; he says he would get that percentage all right.

Q. What did you understand he meant by that? A. That he would go up and ask Hasbrouck for the percentage and get it for me.

Q. Were you really of the opinion that Hasbrouck, a patrolman and policeman— A. He was not a patrolman; he was a clerk at the police headquarters.

Q. He was not a patrolman? A. He was not.

Q. Hasbrouck was the clerk at the headquarters of the police?
A. Yes.

Q. Did you really think that Hasbrouck could get your percentage from the civil service board? A. He said he made the ratings.

Q. You believed him, did you? A. Undoubtedly. I did.

Q. How long have you lived here? A. In New York?

Q. Yes? A. I have been around, I suppose, 14 or 15 years.

Q. You believed that still? A. Undoubtedly I did.

Q. Did you know anything about the civil service examination, generally? A. I did not know there was such a thing.

Q. Didn't you at that time know there was a civil service board? A. I did; yes.

Q. Do you mean really to say that you then thought that the clerk at police headquarters could secure for you from the civil service board a particular rating or percentage? A. Why, he was telling me that he—

Q. Did you believe it? A. Yes; because he told me he got it before.

Q. Did you believe it? A. Yes.

Q. Not because—did you believe it? A. Yes.

Q. How much money did these men succeed in getting out of you—Brant, Dwyer, Woodbridge, Hasbrouck and Barmstroff?
A. I can not tell now; John Ryan got more than all put together.

Q. Well, strike that out, sir; have you any particular feeling against J. Ryan? A. I have got this—

Q. Did you come down here to tell the truth? A. Yes; so help me God.

Q. Will you tell me why you volunteered just now to bring in J. Ryan's name; I didn't ask you anything about J. Ryan?
A. Because I laid out more for that man's organization, at his suggestion, than all those men put together.

Q. Are you willing to wait until you get inquiries, before you try to visit your revenge on J. Ryan? A. I am not asking for revenge, but asking for justice.

Q. You are sure to get justice here; you think so, don't you?
A. Yes.

Q. And you came down here with the honest determination to testify to the truth and nothing else? A. The truth and nothing but the truth, so help me God; that is what I came down here for.

Q. Will you tell me what sort of justice you expect to get for this? A. In the first place I passed the examination, and my name is before the board of commissioners; I understand John J. Ryan objected to my appointment.

Q. Your idea of your coming down and testifying, the justice you get is revenge for John J. Ryan opposing the appointment on the police force? A. No; I think the committee will investigate why I didn't get my appointment.

Q. Have you given up all idea of ever becoming a policeman? A. Well, if I did not I certainly would not come here.

Q. Have you given up all hope? A. I gave up the idea; if I didn't give up the idea of ever becoming a policeman I would never have come here.

Q. Have you ever withdrawn your application? A. No, sir.

Q. Have you ever notified anybody that you did not care to be a policeman any more? A. No; but they notified me that I would never be a policeman as long as I lived.

Q. What were you promised if you came here and testified? A. Nothing.

Q. Did you get it? A. Certainly, I got that much.

Q. You had a conversation with Mr. Sheehan? A. Yes, sir.

Q. I understood you to say he treated you with civility and politeness? A. He did.

Q. Have you ever seen him before? A. Never.

Q. How long was that conversation? A. About 25 minutes.

Q. As long as that? A. Up at 156 Broadway, Manhattan Life Insurance Company's office.

Q. Who was present at that time? A. Nobody but me and John J. Ryan.

Q. John J. Ryan and Mr. Sheehan and yourself? A. Yes.

Q. Whose office was this? A. In one of the adjoining rooms of the Manhattan Life Insurance Company, at 156 Broadway.

Q. When was it? A. Well, this was about three or four months ago; about three months ago.

Q. Tell me again how it was that you came to go there? A. Mr. Ryan had fooled me six or seven days.

Q. Now, Mr. Witness, you have no desire to be revenged upon Mr. Ryan? A. No; I am not looking for revenge.

Q. Answer the question? A. I can not explain it, unless you let me; if you will allow me, I will explain it.

Q. Don't explain, but answer my question?

Chairman Lexow.—What is the question?

By Mr. Ransom:

Q. Now, I ask you the question; how did you come to go to the office of Mr. Sheehan?

Mr. Goff.—Let him give his reasons.

A. Mr. Ryan, the first day, told me to meet him in his office, and when I got down to his office at 1 o'clock, according to

agreement, he arrived at 3 o'clock, and told me he thought he told me to come to police headquarters, and he told me to meet him the next day at his office; he said he went to see Mr. Sheehan, and didn't see him; after he lost a whole lot of time and trying to find out where he might meet Sheehan; afterward he got me down to his office again, and he told me that Sheehan's office was somewhere on Broadway, and he preferred to take me to his private office, because he said he had to speak about that last case of mine; then, when I wanted to know where his office was, he didn't know it, and said may be he could call him up on the telephone; he looked at the telephone call, and could not find the number; he asked me where his office was, and I told him I would find out where he is, and I went out and I found where Commissioner Sheehan's office was, and I found out his telephone call, and came back and told John J. Ryan what it was; and then John J. Ryan told me to wait outside of Sheehan's office, and I waited three long hours, and when he came it was nothing more than reasonable to find no one there.

Q. Have you got through yet? A. No; John J. Ryan went upstairs and informed me that Sheehan was not in; then he told me to meet him the next day in his office, and when I got in John J. Ryan's office the next day, an Assemblyman came up and spoke to John J. Ryan, and I heard him mention Sheehan's name and tell me to meet him at 156 Broadway; we did meet him the next day, and I was there.

Q. Now you are there? A. Now I am there.

Q. Now, Mr. Jacobs, we have arrived? A. Yes.

Q. Mr. Sheehan is here? A. Yes.

Q. Or we are there? A. I was there.

Q. Will you tell me whether there was anybody present in the interview you had with Mr. Sheehan, except yourself and John J. Ryan? A. I remember who were; there was no one present except John J. Ryan, Commissioner Sheehan — a gentleman who I was told was Commissioner Sheehan.

Q. Was there anybody within earshot of the conversation? A. No, sir.

Q. Nobody heard the conversation between you three gentlemen except you three gentlemen? A. Well, except they were hidden there without my knowledge; I could not account for that.

Q. You had no idea there was anybody hidden there? A. No, sir; I told you there was no one within hearing to my idea.

Q. And the conversation lasted about 25 minutes? A. About that time.

Q. Now, I wish you to state what you said to Mr. Sheehan, and what he said to you? A. Mr. Ryan told me to tell Commissioner

Sheehan all that transpired four years ago; that last case of mine; I told him that two clerks—he told me to mention it as brief as possible because he did not want to go into the whole of it; I told him of the two clerks who had proposed to put me on the police force clandestinely, and it was found out, and they got discharged; well, he says, “what has that got to do with this;” he says: “Mr. Jacobs, to tell you the truth, we have got our appointments pro rata.”

Q. Did he say that? A. He did; and explained to me what it was, that each commissioner has so many appointments, and he said, “we have all made up our slate, in fact I have actually borrowed one from a commissioner just as he went out;” he was looking at Ryan when he was speaking to me.

Q. Do you remember that gesture? A. Undoubtedly I do.

Q. Do you remember in this conversation that little incident? A. Yes, I do.

Q. Then he turned and looked at Ryan? A. Yes, sir; he said, “I have borrowed one.”

By Mr. Moss:

Q. You have stated that to me before to-day? A. Yes, I have stated that to Mr. Moss.

By Mr. Ransom:

Q. Now, Mr. Jacobs, have you stated all the conversation? A. No, you have not given me a chance.

Q. Haven't I? A. Now he says, “each commissioner gets so many appointments,” and he looked around and said, “I have actually borrowed one from Commissioner McLéan; the commissioner going out,” and he says, “It would be impossible for to place you,” he says, “on my list now because those ones I have promised have had others interested for their appointments;” he said, “you ought to have had someone to interest themselves on your behalf long before this; I would have no objection to appointing you;” “Mr. Ryan said the reason I did not speak to you was because I thought it would be dangerous to appoint me on account of this investigating committee going on now;” Mr. Sheehan says “that has nothing to do with it; this case of his wont bar him from becoming a patrolman; he has passed his examination and has got his percentage;” he said, “I spoke to James Martin some time ago;” I said, “Mr. Commissioner, my leader informed me he was speaking all the time to you and that you”—

Q. Was Ryan there then? A. Yes, sir; “that he was all the time speaking to you and you refused to appoint me.”

Q. You meant Ryan when you said "my leader?" A. Undoubtedly, and I said it was no place for me to come and approach him; he said, "If I could possibly get another appointment I would appoint you in a moment;" Mr. Ryan said: "Possibly Mr. McLean might loan him another appointment;" he said, "I do not think he would do it;" I said, "I know some personal friends of mine who knew Commissioner McLean and who might introduce me to him;" he said, "No; he would not do it."

Q. Is that all the conversation? A. That is all.

Q. No more? A. No more that I can remember.

Q. You have remembered it all? A. I think so.

Q. Have you any doubt about it? A. No.

Q. Have you just stated it now as you have just stated it to Mr. Moss? A. No difference.

Q. In substance? A. In substance.

Q. That you can recall? A. Yes, sir.

Q. The two stories are precisely the same in substance, are they? A. Yes, sir.

Q. Tell the committee, if you please, how it was you had an ambition to become a policeman; why was it you wanted to become a policeman? A. Because I was formerly working very hard at the tailor business, and the business is very confining inside, and when I sit down myself I do not feel comfortable when I am sewing, and I always like to get the open air.

Q. How tall are you? A. About six feet.

Q. And it was uncomfortable for you to sit down at the tailor business? A. Yes.

Q. And that is the reason you wanted to be a policeman? A. That is the reason.

Q. And only reason? A. No; it was a protection for my wife and family; it was a salaried position I could get a year round, and my own business was failing.

Q. What was the pay of the policeman? A. I believe they got \$1,000 the first year, \$1,100 and then \$1,200, with chance of promotion.

Q. You have been carrying on the merchant tailor business how long? A. About 10 years.

Q. Was not your business very much better than \$1,000 a year? A. Years ago it was, but lately I am not making expenses.

Q. At the time you made the application for policeman, wasn't your business worth more than the salary of policemen? A. No.

Q. It had been better in previous years? A. Yes.

Q. You had saved money? A. Yes, sir.

Q. And from your savings you expended the money you have testified about? A. Yes, sir.

Q. Did you expend all your savings? A. Well, maybe I have got \$100 or less left, but that is about all, except my stock.

Q. When Inspector Byrnes sent for you to come down, you testified on your direct that the officer came to you and took out of his hat a notice that Inspector Byrnes wanted you; am I right in your testimony? A. The officer did not state the inspector wanted me; he gave me the letter and that letter told me to report to Inspector Byrnes.

Q. What I want is a correct story; when the officer came to you he took off his hat and gave you a notice? A. A letter, out of his hat.

Q. You said a letter, did you? A. Yes; in an envelope.

Q. Where is the letter? A. I took it down to a man called Mangin.

Q. At headquarters? A. At headquarters; he took it from me.

Q. At headquarters? A. Yes.

Q. Was he a police officer? A. He was some official down there.

Q. He is a police surgeon, I am informed, at headquarters? A. Your information, I believe, is correct.

Q. Was there a man in uniform? A. He had some kind of blue police blouse on.

Q. You understood him to be, or believed him to be, an officer there at that time? A. Yes; I did.

Q. And you gave him the letter you had received purporting to be from Inspector Byrnes? A. Yes.

Q. What did he do with the letter? A. I could not tell you.

Q. Did he give it back to you? A. No, sir.

Q. Never seen it since? A. No, sir.

Q. Your idea of giving the letter was to identify yourself to Inspector Byrnes, wasn't it? A. Yes; I was the one he sent for.

Q. When you saw Mr. Byrnes he asked you to give a full account of the swindle of these men upon you in respect to your application for appointment? A. Not at first; he told me all about it the first going off.

Q. He knew all about it, did he? A. Yes; he had the exact facts.

Q. Did he tell you where he got those facts? A. No; but he wanted to know if I couldn't employ him.

Q. Then you did? A. I did not.

Q. Didn't you give him any information at that time? A. No.

Q. Why not? A. Because I did not know at that time how to inform him.

Q. Why, didn't you give Mr. Byrnes the information he was seeking? A. Yes, sir; I verified what he told me.

Q. You told him what happened, didn't you? A. No; he told me and I verified it.

Q. You are trying to tell the truth, are you? A. Yes.

Q. You don't mean to lie, do you? A. No; nor I wont lie.

Q. Now, did you tell Inspector Byrnes what had taken place? A. He asked me—

Q. Did you tell Inspector Byrnes what had taken place? A. He told it to me, and I verified it; he asked me to repeat it for a man to write it down, and the man did write it down.

Q. Then you did tell him what took place? A. I told it to the man.

Q. Was Byrnes there? A. Yes.

Q. And the man was acting as a clerk? A. As a clerk.

Q. To write down what you said? A. No, sir.

Q. And after it was written down— A. He told me to come next day.

Q. After it was written down was it read over to you? A. Yes.

Q. Did you sign it? A. Yes, sir.

Q. Was it true? A. Well—

Q. Did you tell Byrnes any lie? A. No.

Q. Did you tell him the whole truth? A. Yes, sir.

Q. Did you mean to tell him the truth? A. Yes, sir.

Q. Then you came again, did you, some other day? A. Yes.

Q. At Byrnes' request? A. At Byrnes' request.

Q. And was it the first or second time that he told you that he wanted to get these scoundrels discharged from the department; was it the first or second time? A. The second time.

Q. They were discharged, weren't they? A. Yes; one was dismissed and the other discharged.

Q. Where is the difference? A. Well, when a man is discharged I believe it takes from him the privilege of employment under the city government.

Q. You said one was dismissed and the other discharged? A. One resigned; and the other discharged; I stand corrected.

Q. Can you name any man except Ryan and yourself who was present at the committee-room when Ryan made this speech to the district captains? A. That man of the name of Clinton.

Q. What is his other name? A. I am sure I can not tell you his other name, but I can find it out for you.

Q. Will you do so? A. Yes.

Q. Is he a friend of yours? A. No; no more than you are.

Q. How do you know whether I am a friend of yours or not?

A. Well, being a judge, I know that you have acted impartially, or you should, and your reputation is taken into consideration, and I accept it.

Q. Well, Jacobs, I am very much obliged for your compliment; I will accept the situation you put me in; now, Mr. Jacobs, seriously, give the name of some other man who was present besides Clinton, and yourself, and John Ryan? A. Who was present; the whole general committee.

Q. Mention the name? A. I might mention Nathan Kline, William B. Davis—if I had that committee slip I would mention every one of them.

Q. Undoubtedly; I would if I read it. A. But they were there.

Q. I want your memory, not what you can read from a book? A. You see, since I have engaged in politics, I have been quite a handshaker, and can not remember those names.

Q. Did you think that that was a fair answer to my question?

A. I can't think of all of the names.

Q. Did you think that was a fair answer to my question? A. You want me to give you all the names?

By Chairman Lexow:

Q. You have testified to policemen, and all sorts of things; can't you remember the names of the persons who were present when this conversation was had? A. John A. Henneberry was present; I can not for the life of me think of the name.

By Mr. Ransom:

Q. You have thought of all the men present at that time? A. Not all the men, but all the men I can think of; I know a great many, but I can not recall their names.

Q. Wont you answer the questions; you can not think of any other men just at this moment who were present at that time? A. No; I can not.

Q. Was Mr. William B. Davis, who was a witness here this morning, present? A. Yes.

Q. You remember him? A. I do.

Chairman Lexow.—He said so.

By Mr. Ransom:

Q. I thought he did, but I wanted to be sure the Davis here and the Davis in his mind was the same man; did you hear Mr. Davis testify this morning? A. I did not; I could not hear him over there.

Q. How many persons were present in this room at the time Ryan made this speech to the district captains? A. I suppose about 400 or 500.

Q. Four hundred or 500? A. The time he made the speech to the district captains; you mean the last election?

Q. I mean the speech you testified to the district captains? A. There were two, one to the general committee and one to the district captains.

Q. I mean to the district captains?

Mr. Moss.—There was one at the last election and one of the election prior. The one to which Mr. Davis testified was the last election.

By Mr. Ransom:

Q. Did he make the same speech on both occasions? A. Oh, no.

Q. Now, the speech I have in mind is the one where he said to the district captains in a familiar colloquial way, "Boys, so and so" about this election and the importance of it, and advising them that they could have the kind of policemen, the names of policemen they wanted; that they had a majority of the inspectors, and various other promises that he made to them of help and strength to Tammany Hall; that is the speech I mean; was that the speech you had in your mind when you said Davis was present? A. That is two years ago; I would not want to say whether Davis was present or not then; there were so many people present.

By Senator Bradley:

Q. The judge refers to the meeting of the captains? A. At the meeting of the captains, Davis was present, and secretary there.

Mr. Moss.—Two years ago.

Senator Bradley.—No.

Mr. Ransom.—Let the witness answer me. If you feel uneasy about the witness, I will sit down and you can complete it.

By Mr. Ransom:

Q. Now, Mr. Jacobs, will you answer my questions and don't be seduced by Mr. Moss; Mr. Jacobs, was the speech which I have, in substance, tried to state true? A. You have mixed the speech up, judge, so that I would not be able to answer it.

Q. I am not surprised; wont you please disentagle these

speeches and say them over again? A. Yes; one speech he made was, "Boys, next Tuesday —"

By Chairman Lexow:

Q. When was that? A. About two years ago.

By Mr. Ransom:

Q. I called for the speech? A. That was of 1892, the time when the aldermen and Assemblymen both ran for office; both were nominated.

Chairman Lexow.—Go on, witness.

The Witness.—"Boys, next Tuesday is election, and we have got to roll up as large a majority as we can; of course, you know your men; we have the majority of the election inspectors with us; if a Tammany Hall voter is going to vote, see that his vote is put in, and if it is challenged, whatever you say goes; should a disturbance arise — and vice versa with a Republican — should a disturbance arise through your action, you have the police with you, and if you have not got enough of them, let us know and we will give you more; those who are with us will receive our protection, and those who are against us will receive nothing;" those were his words.

Q. Now give me the other speech, and give me the date of it? A. The date I could not tell you, because I did not keep that in my mind; I never expected to come here with that.

Q. I understood you to say this was before the election of 1892 this speech was made? A. Yes, the time when William A. Baunert and Johnny Keller, one ran for Assembly and the other for alderman.

Q. Was that in 1892; I want your memory, not Mr. Goff's? A. That was the first time John J. Ryan was made leader, whatever year that was in; he was only made leader once; that was his first experience.

Q. Give me then the second speech? A. The second speech was, "Any of the district captains that knows of any police officers who are friendly to Tammany Hall they will hand the secretary their names, of any police officers who are friendly to us they will hand the secretary their names and I will see they get them at the polling places."

Q. That was the second speech? A. Yes.

Q. Tell me whether Davis was present at the first or second one in the order in which you have given them? A. I am almost sure he was present at the second one.

Q. What do you think about the first one? A. I have a kind of idea he was present there, too.

Q. Five minutes ago you testified positively he was present at one of those speeches. A. Yes, sir.

Q. Have you now thrown any doubt on your own memory? A. No; I have not thrown any doubt.

Q. Tell me which meeting it is you are positive Davis was present at? A. Well I think he was at both meetings.

Q. You feel quite confident of that? A. Yes.

Q. He was secretary of the club? A. He was of the general organization.

Q. There are two organizations there, I understand — a social club, and a political organization called a general committee; is that right? A. Yes.

Q. And Mr. Davis was secretary of the general committee? A. He was secretary of the general committee.

Q. How long did you say you have lived in New York? A. Well, I have not lived in New York all the time.

Q. I beg your pardon? A. I have not lived in New York all the time steady; I have lived in Boston, I lived in Baltimore, I have lived in New York; I can not tell you each time exactly how long I have lived.

Q. Mr. Jacobs, I want to ask you one or two other questions, simply to make certain some of your evidence? A. I am ready to answer any questions.

Q. You said Mr. Sheehan's office, where you saw him, was 156 Broadway? A. No; that was the Manhattan Life Insurance office.

Q. That is where you saw him? A. Yes; that is where I saw him.

Q. It was not Sheehan's office? A. I would not want to say whether it was or not; it was the Manhattan Life Insurance Company's office; I understand Mr. Sheehan's office is over Rogers & Peets on Broadway.

Q. Do you think it was John J. Ryan who gave you the change of \$250? A. It was John J. Ryan who gave me the change of \$250.

Q. And it was P. J. Ryan who returned the check to you? A. It was P. J. Ryan.

Q. And John J. Ryan gave into your hands \$250 in currency? A. In currency and in bills.

Q. And subsequently P. J. Ryan gave you back the check? A. Subsequently P. J. Ryan got me to bring the bills back and take the check.

Q. When you gave the check to P. J. Ryan did you indorse it? A. I am sure I can not say; but I know it was certified.

Q. Did you have an account in the Bowery Bank at that time? A. I did; the check was certified.

Q. I understand; but you might have gone in and deposited

the money and got the cashier's check; you did not do that, did you? A. No.

Q. You had your own account there? A. I had my own account there.

Q. How much money did you have in the bank when you drew that check? A. I could not tell you how much I had, but I can bring you the books and show you.

Q. Haven't you any idea how much you had? A. I don't remember.

Q. Had you \$1,000 in the Bowery Bank at that time? A. Not at one time; no.

Q. Had you \$500 in the bank at one time? A. I would not swear I had \$500.

Q. You would swear you had \$300, wouldn't you? A. Sure; I would not certify the check if I didn't.

Q. Is that the only way you are sure about it; or do you remember about it? A. I went to the Citizen's Savings Bank and took out \$300 and put it in to get that check certified, although I had some more money, but not quite \$300; I did not want to leave my account in the bank blank when I took out that check.

Q. Well, I will pass that; when you went before the commissioners in regard to this swindle that had been perpetrated upon you, you were sent there by Inspector Byrnes, as I understand? A. Yes, sir.

Q. And before the commissioners you told the story, did you? A. They asked me questions and I answered them.

Q. Didn't you volunteer any evidence? A. No.

Q. Why didn't you? A. They did not ask me to; as soon as I said anything of my own accord they shut me up.

Q. They succeeded in doing that? A. Yes.

Q. Did Byrnes tell you to go there and tell your whole story? A. Byrnes told me I should go up to the commissioners and I would see he had favored me by the way things went on.

Q. How did you understand he had favored you; what had he done to favor you? A. For helping me get those two fellows out of the office.

Q. He wanted to get the two fellows out of the office because they had swindled you? A. Yes.

Q. And you helped to get them out, and the way you helped to get them out was telling your stories to the commissioners? A. Yes.

Q. And he told you to go there and tell it? A. He told me to go up stairs, he did not tell me what to do; told me to go up stairs.

Q. You knew what to do? A. I was going inside, and told they were the commissioners.

Q. You went there for the purpose of telling the commissioners about this swindle? A. That is what I thought.

Q. Didn't you know that was the purpose of your going there? A. I did not know; I didn't know what the commissioners wanted me for.

Q. Didn't you testify in answer to Mr. Moss that Mr. Byrnes told you to go to the commissioners? A. No; he told me—

Q. Didn't you so testify to Mr. Moss? A. That he told me to go to the commissioners? No; he did not; he told me to wait in his office, and he introduced me to a gentleman that escorted me to the commissioners' rooms; I was given a chair and was introduced to the commissioners, and was given questions and answered the questions.

Q. They asked you about Hasbrouck and Barmstroff and Brant? A. Yes, sir.

Q. And you told the whole story? A. Yes.

Q. And these men were brought up, and you identified them? A. That is the case, exactly.

Q. That is right? A. Yes.

By Mr. Moss:

Q. Were all those men brought up you have mentioned? A. Brant was not brought up there at all.

Q. Woodbridge was? A. Woodbridge was.

Q. And Barmstroff? A. Barmstroff was not.

Q. Woodbridge was? A. Yes, sir; and Hasbrook and Dwyer was brought.

Q. Will you look at that paper and see if you recognize the handwriting or the paper itself? A. Yes; I recognize the paper.

Q. Let me get the answer, and nothing else; you do? A. Yes.

Q. Who wrote this paper? A. A man by the name of F. S. Clinton.

Q. Of whom you have spoken in your testimony? A. Yes.

Q. Was this written in your presence? A. This was written in my presence.

Mr. Moss.—I ask to have that marked for identification.

Paper marked Exhibit N, for identification, June 12, 1894, and is as follows:

"Sunday evening, previous election. J. J. Ryan addressed us captains of the Twenty-fifth Assembly district: Boys, next Tuesday is election, and we must roll up as large a majority as possible in our district. Everything is in our favor. You, of course, know your men, and when the occasion arises where a Tammany voter is challenged, you know what to do. You have

the majority of the board. Use your power, and, vice versa, when a Republican is challenged. Should any disturbance arise through your actions, the police are with you. If there is not enough stationed at your polling place, send to the police station, and a platoon will be at your command. People who are with us will receive our protection, and favor. Those against us will receive nothing. F. W. Clinton."

Q. You and Mr. Ryan labored together to get an interview with Mr. Sheehan; is that right, yes or no? A. For six days.

Q. And Mr. Ryan did get you to Sheehan? A. Yes.

Q. And went there with you himself? A. Yes.

Q. I forgot to ask you whether there was not a demand for an additional \$300 made upon you quite recently? A. Mr. Ryan said I must expend that; I came down to thank Mr. Ryan.

Q. When? A. About three months ago.

Q. Now, you went to Mr. Ryan at that time? A. After a message I had received of one of his district captains that I was going to be appointed right away; he says, "Jesus Christ, you speak as if you had the position right in your hand;" "Well," I said, "you said nothing couldn't stop me but death;" "Who told you so," I said, "Mr. Fitzpatrick," he says, "Did you make any arrangements for any one to come and see me," he says, "you have got to see me or the commissioners," I said, "What do you mean, Mr. Ryan," he says, "You know what it costs to get on the police, don't you; you know what it takes to get on the police," I said, "If it is money you mean, I have not got another dollar; I have laid out every dollar I had for your organization."

Q. All the previous moneys you had paid into the organization? A. He told me it would reach him there, anyhow.

Q. But this additional sum was outside the organization? A. Yes, sir.

Q. Finish the conversation? A. I said, "I have not got another dollar," "Well," he said, "you have a right to have somebody go up and see the commissioners; don't you know anybody," I said, "Yes, I know Commissioner Sheehan's father-in-law," "Ask him if he won't ask his son-in-law to get you appointed, and let me know what he says," I says, "I am looking to you, Mr. Ryan," he said, "I will do the best I can for you."

Q. Was any sum mentioned? A. Four hundred dollars.

Q. Did Ryan say \$400 to you? A. He said it to me plain enough; he did not say he wanted it; he said it would take \$400.

Q. It would take \$400? A. Yes, sir.

Q. The original check of \$300, which was your first contribution to Mr. Ryan's political aspirations, was that check drawn to bearer? A. It was drawn to bearer.

Mr. Ransom.—I object; there is no evidence he paid more than \$50.

The Witness.—Oh, yes.

Q. Mr. Ransom.—That is all he says in that check; he gave \$250 back.

Chairman Lexow.—No, as I understand it, he was requested to put in \$50 more at another time; that made a hundred; and at another time he went around to the district and whooped her up.

The Witness.—I was requested to put in towards a club, to have \$50 for his club, for the social club; he says that was to buy the baby some clothes.

(I was requested to go to Washington with them.)

Chairman Lexow.—That is all; strike that out.

Re-cross examination by Mr. Ransom:

Q. You testified just now that John J. Ryan and you had a talk about your getting your place on the force? A. Yes, sir.

Q. I understood you to say that he said \$400 would be needed? A. He said it would take that to get on.

Q. Are you positive of that? A. Yes.

Q. When was it? A. That was the last words he said —

Q. When was it? A. In the club-room down stairs.

Q. When? A. Between two and three months ago.

Q. And was in the club-room? A. In the club-room, privately.

Q. Was it day or evening? A. In the night time.

Q. What time of the night? A. Between 9 and 10.

Q. Was anybody present but you and he? A. He called me on one side to sit down and I set alongside of him with a pool cue in my hand.

Q. He introduced the conversation himself? A. The first word he —

By Chairman Lexow:

Q. Did he commence it? A. He did commence it.

By Mr. Ransom:

Q. He commenced it? A. Yes.

Q. Didn't you say on your direct examination that you had this conversation with Ryan on the train? A. No, I didn't mention no train.

Q. We misunderstood you then; you had a conversation in a clubhouse with a cue in your hand? A. Yes.

Q. You didn't have the \$400 about you that moment; did you? A. No; and I told him, and no way of getting it.

Q. Why in the world was it you did not mention all this just 10 minutes ago when you testified? **A.** I was not asked; you did not give me a chance; you kept firing questions along one after the other.

Q. Didn't you say you was not down there on purpose that night to see Ryan and thank him? **A.** Yes; and I did it.

Q. And you now say that you were playing a game of pool and Ryan introduced this subject to you? **A.** I was playing a game of pool and asked all hands around to take a drink, acting a good fellow for the house, because I got the news I was to be appointed the next day; and Mr. Ryan called me on one side when I was playing the game of pool, and I shook hands with him very kindly, and it was then the conversation took place.

Mr. Ransom.—I think that is all I want.

Mr. Curtis.—Will your honor decide the application I made?

Chairman Lexow.—Have you anything to say on that subject, Mr. Goff?

Mr. Goff.—Yes. I object to the application of Judge Curtis being granted. There can be no question of right discussed here at all, because there is no question of right involved. Personally, there is no member of the board that I would have greater pleasure in being associated with, either for or against, than Judge Curtis; but there is a principle here to be determined upon of great importance to this committee.

Chairman Lexow.—Without interrupting you, I want to say this, that I would be glad to hear Judge Curtis in opposition to your remarks on that subject now; otherwise, the committee is ready to pass in judgment on the question.

Mr. Curtis.—If your honor, please, won't you hear Brother Goff, and then, perhaps, something that you might say or I might say might enlighten the committee on the subject.

Chairman Lexow.—If Judge Curtis would confine himself to the legal argument of the principle involved; yes; but if Judge Curtis takes an opportunity to hurl anathemas against our witnesses, no.

Mr. Curtis.—I do not propose to do that, sir. I propose to make a purely legal argument on the subject, such as is worthy of the committee here, and I think I shall not be amenable to your honor's censure. I think Brother Goff should be allowed to present his views, and then if I have any views contrary to those worthy of his consideration, I trust they will be considered.

Chairman Lexow.—Well, Mr. Goff, you will make your remarks, then.

Mr. Goff.—As long as the affair has taken that turn, Mr.

Chairman and Senators, Brother Curtis has taken the leading oar. I would prefer him to present his legal argument and would like to hear him afterward.

Mr. Curtis.—I have made the motion.

Chairman Lexow.—You are privileged to be heard now in support of that motion, and you have got the laboring oar, because I will frankly state now that the committee are opposed to it at this juncture, and you may enlighten the committee on the subject, and change their minds.

Mr. Curtis.—I have such faith in the learning and ability of the committee that, while they are opposed to me at the present time, yet I think the mere suggestion of the principle of law will satisfy the committee that what I contend for is not too much. Now, as I understand it—will your honor hear us after lunch? Mr. Nicoll suggests we go to lunch now.

Mr. Goff.—I think we had better determine it. While I know Judge Curtis' capacity in argument, yet I do not think it would take such a long time.

Senator Cantor.—I think with that intimation, we had better take a lunch.

Mr. Goff.—Will you announce, now, to all witnesses to our under subpoena, to be here promptly at the time of adjournment?

Chairman Lexow.—All witnesses under subpoena will attend here again at quarter after 2 o'clock. We stand adjourned until then.

AFTERNOON SESSION.

June 12, 1894.

The Chairman.—Now, Judge Curtis, we will hear you.

Mr. Curtis.—I will be very brief, your honors. I want to thank you in the first place for the courtesy which you have extended to me in permitting me to present my views to your committee. I also wish to thank Mr. Goff for the kind sentiment he expressed when he said he had no personal opposition to make; that it was with him a principle of duty. Your honors can not fail to see that, so far as the record is concerned, this seems to be an issue principally between somebody and the police department, and possibly one or two others. But, to a very great extent, perhaps absolutely, up to this time, the efforts of the learned and able counsel who represent the Parkhurst Society, have been in the direction of an assault upon the police forces and authorities. Now, they have been represented by two of the first lawyers of our bar. How well they have discharged their duties is a matter known to all of us. But, in the commentary sweep of this

remarkable investigation other persons have been alluded to, other persons have been drawn into the consideration — to what extent legal minds may determine — of these matters. Now, the proposition that I make is this, and it a plain one, and as cleanly cut as I can mentally devise: Whether or not a person assailed by a witness on the stand, that person not being represented at the time by counsel, has the right to make successfully his application to the committee to be so represented and to cross-examine, if he sees fit, the witnesses of whom I have spoken. Now, that is the proposition. I do not know of any precedent or authority against it. I doubt if your honors can find any investigations which have originated in parliamentary or legislative bodies, any precedent that stands to-day with the dignity of the law, that prohibits a man from his constitutional and natural defense. If there is such a precedent, parliamentary, legislatively, or in the form of any adjudication, based upon the first two, I am unfamiliar with it.

Now, what is the position here? A. I have the right, I must, *ex-necessitate rei*, assume from the character of this body, its intellectual, its personal, its political character — I suppose in that respect it is bipartisan —

Senator Cantor. — Just now it is.

Mr. Curtis (continuing). — You are not here to harass any element of our society; that you are not here for the purpose of making political capital, of exalting the fortunes of one faction and destroying those of another, and that you are not here to aid and assist the very able men who represent Dr. Parkhurst, because they do not need it.

The Chairman. — You are in error there, judge. They represent us, not Mr. Parkhurst. This is our investigation and they are our counsel.

Mr. Curtis. — But I assume that in this investigation your honors are governed by a sincere desire to ascertain the truth and not to destroy the rights of any man. I assume that and shall continue to assume it. There is no question that you represent a legislative body that had the authority to appoint you for this purpose, and there is no question that there is but one element above you; that is the Constitution and the law, Are you above it? And if you assume to be above it, could not the Constitution and the law through the courts of law, correct even you? And could not even you be made amenable, perhaps by injunction or mandamus, as other legal bodies could be made amenable under certain circumstances? And have you the right to conduct a proceeding — and I submit this with all deference and respect — in violation of any of the rules of law.

or the principles of evidence? And have you the right to conduct an investigation in violation of the inherent right that a man has to protect not only his own liberty, his property and his life, but that which is dearer to him—his good name?

Now, what is the result? I am going carefully to refrain from anything that would make me amenable to the censure of anybody. Whether or not this learned committee have a certain estimate and standard of value of the evidence that has been given, I know not. But the position is this, so far as my client is concerned, a reputable citizen, a public officer, a man so far as we can gather by the record, by the history of his life, by the speech of those who know him, has struggled up from obscurity and position to command, a man who has given hostages to society for his good behavior—now he is assailed by a witness upon the stand. Who endeavor to do what? To connect, in some way or other, the act of Mr. Ryan, as a political leader, so termed—and I suppose they exist in both great political parties, with the police department. And also, I gather, in the Partheon arrow, that a shot on his redirect, perhaps by unsatisfied gentlemen, as to the character and to the effect of the evidence that he has heretofore given as against Mr. Ryan, the desire to have it distinctly understood that while he had never given any money to Mr. Ryan for an unlawful purpose, that Mr. Ryan, in a conversation that he had with him, expressly desired that some such transaction or negotiation might take place between them. Now, may I be permitted to say, whatever the decision of this learned committee may be, that Mr. Ryan authorizes me to say that every word uttered by that witness derogatory to him as a man or a public officer is entirely without any foundation whatever. And it is because he recognizes that fact that he desires to emphasize it, and that he presented what he deemed to be a constitutional claim to this august body that the right of cross-examination of the witnesses brought to stab him in the vitals of his good name should be put to the test of the cross-examination.

The Chairman.—Do you claim, Judge, that there is any portion of the testimony with reference to which the learned counsel for the police department have not already cross-examined the witness?

Mr. Curtis.—In reference to that, if your honors please, I do not know. I labor under this misfortune; I did not hear the first of his testimony, and I did not hear the beginning of his evidence this morning. Therefore, I can not answer in respect to that. But, about the money part of it; now, if your honors please, here is where the trouble is: A certain public character

said once, when he was going to be crowned, that the same populace that was shouting "Hosanna" would perhaps at some other time shout "Crucify him." We are now all on the wave of a great public excitement. And, as I said the other day, any allegation that is made, however it may be supported by reputable proof, is published in the journals of this country and through them disseminated to the populace. The result is that the majority of mankind, who get their sentiment and their belief from the journals, are impressed with the guilt of a man whenever an allegation may be made. And, therefore, it must be very important, in an investigation of this character, when an assault of that kind is made upon the character of a citizen, that he should not be relegated to his suit at law, to his needed vindication in a court; but that he should be permitted, before the same august tribunal, who heard the venomous proof, to vindicate himself and to cross-examine the accuser, face to face. That is his constitutional right. You can not, may it please your honors, without a very great stretch of your authority, a stretch that is unprecedented, or an authority for which there is no precedent; you can not, it seems to me, deny him this application. Look at the danger we are in. I say, we are in a time of great public excitement. What a severe temptation to malice, to revenge, to baffle hope, to destroy ambition? I got a general idea from the witness Jacobs when he was on the stand that the animus which actuated him could easily have been summed up in the fact that he had not succeeded in his application. I do not say that that was the sentiment that controlled him; but, I say, look at the temptation which, perhaps, those who have not always safely moored within the haven of the law, to testify against those who, perhaps, have endeavored to keep them within the law?

The Chairman.—Judge, if your argument as to constitutional right applied to a case of this kind, wouldn't it equally apply to an ordinary case tried before a jury, where, in the testimony of a witness, the name of some other person had been dragged in and charges made against that person? Now, you, as counsel for that person thus accused, would not go before a judge and ask him to permit you to cross-examine the witnesses.

Mr. Curtis.—Your honor cited that as an illustration the other day, and it was a very potent and pertinent one. I will answer it. I will answer it in the negative, of course. I would not be permitted, because there is a tribunal of the law — of course, this is a tribunal of the law; but that is a tribunal of the law and before it the parties plaintiff and parties defend-

ant are represented by their advocates. Their cause is tried on a day set; their cause is within the limit of the compass of time, and it in no way compares with this tribunal or this committee or this delegation of the Senate or this representative of the law-making authority. I do not imagine that your honor, when you put that illustration to me, had in your own recollection, repeated instances of where testimony has been dropped here truly in violation of the rules of evidence. I think I was in here one day and I heard a witness testify that somebody had told somebody who had told him something. None quicker than your honor, were you at the bar, none quicker than your honor were you on the bench, to correct such a violation as that. Would your honor listen for a moment to the crucifixion of the principles of evidence as embodied in the history of such evidence as that? Now, have you any right, with all your great power, to deal a blow at our system, our legal system?

The Chairman.—Not, judge, if the result of this investigation was to be a sentence or a judgment against any specific individual, robbing him either of his liberty, his life or his property. But, this is simply an investigation to ascertain legislative methods or principles. Nobody is accused here, except for the purpose of enabling this Senate committee to formulate and present to their associates next winter a scheme of legislation covering this department.

Mr. Curtis.—But, in doing that, look back on the history of this proceeding. During that time how many assaults have been made on individual reputations.

The Chairman.—Do you see what your argument would lead to, judge? The witness has testified with respect to transactions with 15 or 20 different individuals. Now, we might be confronted, however, much we would like to hear your cross-examination, to-morrow morning by 12 or 15 lawyers cross-examining witnesses.

Mr. Curtis.—It would be their undoubted right to be here with great respect to the committee.

The Chairman.—It seems to me that the question is this: We want to be fair to everybody.

Mr. Curtis.—I know you do.

The Chairman.—If you can state that there is any specific branch of cross-examination of this witness that has not been completely exhausted by the counsel for the police department, there may be some basis upon which this committee can act. Certainly you would not want to cross-examine the witnesses with reference to the same facts as the counsel for the depart-

ment did. Any cross-examination, to be effectual, must be for the purpose of convincing this committee that certain things have been overlooked in his testimony that would rob him of credence. If you can not say that there is some point which has been overlooked by the counsel for the police department, it seems to me that it would be a useless loss of time to have you further examine him.

Mr. Curtis.—There has been nothing overlooked; the counsel for the police department have overlooked nothing, but there are matters which they did not deem it their duty to refer to, because they did not represent Mr. Ryan; and there is matter, I believe, about which we would desire to cross-examine.

The Chairman.—Mr. Goff, what have you to say on the subject?

Mr. Goff.—Has Judge Curtis concluded?

Mr. Curtis.—I was about to say: Put it in this way: If it is decorous and deferential to put it in this way. Can a great power like that which is represented by this committee, the law-making, the power dedicated to the preservation of the law as it exists; can such a body as this say that substantial justice is done in an investigation which permits the name and reputation of a citizen to be slandered, damaged and injured, without counsel?

The Chairman.—It is unfortunate that it should be so, I admit; but, at the same time, it seems to me that it can not be avoided. Mr. Goff, have you anything to say in respect of this matter?

Mr. Goff.—I have but very few words, Mr. Chairman, because your observations in response to the learned Judge's argument presented so clearly and so concisely the legal status of this committee that there is nothing left for me to say, except possibly a few words. I would just beg leave, with regard to my friend, Judge Curtis, whom I have known and esteemed for many years—and I ask this privilege by reason of those professional relations; I beg leave to say that on last Friday, when the committee adjourned, and when the learned judge addressed himself to the committee, I objected to the continuation of his argument, for the reason that I considered his language intemperate and unjustifiable. But for that I should not have objected, because I have always enjoyed, and in an intellectual measure, hearing my learned friend address a court. I have enjoyed it to-day. I suppose that for an acute reasoner, Judge Curtis has few superiors. For a sophistical reasoner, he has no superiors. As a sophist, I think to-day he stands unrivaled before the bar of New York. He has given us a magnificent illustration of his training in that school. If his premises were true, his conclusions would undoubtedly be correct; but his premises being false, of course his conclusions necessarily must be false. Now,

my learned friend starts out in a very adroit, characteristically careful manner, to talk about the Constitution. Well, I remember, Mr. Chairman, when I was up in the Catskills one summer rustivating there, that I was present before a justice of the peace who was trying a calf case which involved the sum of \$7. For three days I heard lawyers discuss the constitutional bill of rights relating to that calf, all about the great charter and the bill of rights as applied to such a magnificently trivial subject. Now, might I say to my learned friend here who comes before you and speaks of constitutional rights and the rights of persons whose names are involved, that we have a Constitution; but that that Constitution authorizes you gentlemen to do precisely what you are doing. It authorizes you to clear this room. It does not authorize a court of justice to do that. It authorizes you to conduct your investigations in secret. It authorizes you to conduct your investigations with or without counsel to aid you. It certainly gives you the power to utterly refuse and refrain to recognize even the privileges of any person coming here as counsel. It may appear strange to Judge Curtis' evenly balanced constitutional mind, but, Mr. Chairman, this committee is not here to try anyone; there is not a plaintiff, nor is there a defendant. No person, as you very truly put it can be deprived of his life, liberty or property by your decision. You, as you have stated here before, are to receive information for the purpose of satisfying your conscience, to enable you to report to the Senate of this State that they may frame legislation to meet the evils complained of. It occurs to me that during the testimony of the witness, Jacobs, there were 13 questions specifically named. There was J. J. Ryan, P. J. Ryan, Sergeant Ryan, Roundsman Ryan, and Danny Ryan, a policeman. I do not know, Mr. Chairman, that John J. Ryan is to be segregated from the mass. If John J. Ryan should be accorded the privilege of representation by counsel, certainly P. J. Ryan would have the same right, Danny Ryan would have the same right; and there is nothing different in John J. Ryan's position, even though he occupy the potential and highly profitable position of a leader in Tammany Hall, to cause him to be raised to the pedestal of distinction and have such a distinguished jurist as Judge Curtis to represent him before this committee. Now, it would seem that it would lead to a logical absurdity, and Judge Curtis in the calmness of his cognition would have to admit that. Of course, it is nice and delectably entertaining what we have had this afternoon, and I am delighted that you took a recess for that purpose, because Judge Curtis is always entertaining. By the way, Mr. Chairman, I

did not have any dessert for dinner and I am delighted to have had this intellectual treat. I do not see in what manner, shape or form, legal or logical, moral or political, Judge Curtis would have the right to go into the cross-examination of a witness upon whom has been used a fine tooth-comb in the hands of Judge Ransom. Surely the counsel of the police department have done their duty. Surely the privilege that your honors have accorded to them has been taken advantage of to the utmost. We have gotten along fairly well. We hope to get along fairly well, and while Judge Curtis would come in here; I have no doubt, and add a great deal of picturesque attitude to the investigation, yet I think that the object sought by this investigation, to get at the facts whether or no there exists a moral transaction and vicious dealings in the department of the police of this city will be attained. And whether we should be aided or retarded in that by Judge Curtis' legal acumen and skillful cross-examination, I think is a very doubtful question. One word, Judge Curtis, the chairman has corrected you. May I beg to correct you again. Dr. Parkhurst is not here. He is now rolling on the waves of the Atlantic, where Mr. Croker is rolling. Dr. Parkhurst is not represented here by counsel. The committee has done us the honor of calling us to their aid, simply as their servants to help them in this work, which we may justly call Herculean in its task, and in its work and in its objects. I would therefore say that there is no person represented here and may I beg leave here, Mr. Chairman, to say to you that in so far as the counsel for this committee are concerned, we are not actuated by either spleen or vengeance. We have no enmities to carry through. Neither have we friendships to protect. We owe no allegiance, except that to duty, and recognize the virtues of the New York police as a body of men who know no fear, but we are endeavoring to aid this committee in throwing light upon the darkest places. Their bravery exists, corruption is always its certain handmaid. We have no enmities, no grudges to vent. We seek not to sacrifice the character of any man, but, if in the order of things in New York, if in the political degradation of our citizenship, it becomes necessary to use the name of Mr. John J. Ryan or any man in the city of New York, be he Republican or Democrat, Freethinker or Socialist, we are, Mr. Chairman, to aid you; not to shelter that man, not to screen him, but to use our best endeavors to bring to light everything that will enable the people of this State and of this city to have an understanding and to possess the ability to rid themselves of the terrible incubus which has remained on our city for the past six or eight years. That is our duty, Mr. Chairman, and I hope our duty will not be impeded.

Mr. Curtis.—Just one minute.

Senator Cantor.—Does that incubus refer to the police department or to any political organization?

Mr. Goff.—I beg pardon.

Senator Cantor.—You spoke about an incubus in this city for six or eight years. Do you refer to the police department or to any political organization?

Mr. Goff.—I will answer your question, Senator. It refers to both. One is the outgrowth of the other. The police department we claim here, and I believe your feelings, Senator Cantor, must speak the truth, if unhampered by any political considerations; that the police department should be free, clear and unhampered of any political party; but that, owing to the practices of the last six or seven years, a political party has dominated, swallowed and corrupted the police department of this city.

Senator Cantor.—I want to give but one reply to that, Mr. Goff. I agree with you thoroughly that there should be no political interference with the police department. I believe that both political parties in this city, and the factions of political parties, have interfered. The same thing was true of the County Democracy organization was in existence as is true under Tammany Hall, and as it was under Republican police commissioners. It is not incident to any political organization in particular, but to all political organizations. I say I have been in favor, and was in favor last winter, and am in favor now, of removing all political considerations whatever from the police department. I am in favor of allowing them to go to the civil service board without any letter of recommendation; yes, prohibiting them from going with letters of recommendation, and their have the examiners pass upon their merits and qualifications as to whether they shall become members of the force, and that they should there depend absolutely upon their merits. But the criticism that I have to make upon you is this: You refer to one political party only. It has been incident to the political systems that have been in operation in New York city during the last 20 or 25 years, and not to that party which has dominated during the last six or eight years. If we can remove that practice this organization will be a success, and to that end I am prepared to dedicate, as I am now doing in the absence of my Republican associates, my entire time, to make a quorum so that this committee can go on and perform its full duties to the public. I am consulting now the convenience of my associates as well as my personal preference, in order that we may come here and ascertain the truth; and upon that truth, without regard to personal con-

considerations or distinctions, to advocate legislation that will remove the police department from all political influence. That refers to all political organizations, not only to the one to which I belong. While a member of the dominant organization of this city—and the committee will bear me out in this, as will you, Mr. Goff, I have done nothing to embarrass the committee. On the contrary, the members of the committee have been in perfect harmony, upon every proposition, upon every suggestion. When you were suggested as counsel for the committee, Mr. Goff, although I knew you were not identified with the Tammany organization, but with its political opponents, I cheerfully acquiesced in your selection.

Mr. Goff.—Yes, I compliment you, Senator. I am sure, if my learned friend, Judge Curtis, had been here during the daily sessions of this committee, he would have been convinced of one fact, and that is the absolute fairness and impartiality with which the proceedings of this committee have been conducted. I venture to say, Judge Curtis; I venture to say, Judge Ransom; I venture to say, Mr. Nicoll, that if there was no counsel whatever present claiming to represent any department or any individual, that this committee, from the spirit of fairness which it has manifested, would take pains, and even pleasure, in removing any stigma which might be unjustly placed upon any man's name and in protecting his reputation from unnecessary attack. I say it with all sense of duty to this committee, that I believe if counsel were removed on both sides, if there were no counsel on either side, this committee, as it has exemplified its purpose in its examinations, would have been guided by one principle, and that is, to get at the truth, and to do justice in getting at the truth.

The Chairman.—There can not be any charge, Judge, upon fairness. I do not understand that any such charge is made.

Mr. Curtis.—No, sir.

The Chairman.—Here at my right hand is a representative Tammany Hall Senator, who has a perfect right, if he chose, to put any questions that he pleases to any witness. So there can be no question of unfairness.

Mr. Curtis.—No, sir; that was simply a supplement to the outburst of native eloquence with which Mr. Goff regaled us toward the close of his speech. It was a splendid effort. I think, however, in the logical part of his address, he gave a much stronger reason than I gave why this application should be granted. He said, among other things, that your honors would have the power to hold a secret session, had you exercised it. Had you kept the aspersions on citizens from the public press

and from the public mind, there could be no ground for this motion, whatever. But, having exercised that undoubted power, to have an open session, and having put in possession of these industrious historians of the day, the reporters of the press, all these facts, all these statements, all these aspersions, colored, perhaps, in a measure by their own individual genius and images, the evil is wrought. That is why, not only as a principle of law, but in the sense of justice, we ought to have this relief. That is all I wish to say in reply to the gentleman's argument. But in regard to Dr. Parkhurst being responsible for the disappearance of Mr. Croker, I have never heard of that until to-day.

The Chairman.—The application, judge, is denied.

Mr. Goff.—Will Mrs. Hensing take the stand?

Mr. Nicoll.—Before Mrs. Hensing goes upon the stand, if the chairman please, I want to put in evidence the record of convictions which Captain Cross has sent me of the witness Katie Schubert, who testified before the committee some eight or 10 days ago. She it was, I think, who testified in reference to Captains Cross, Devery and some other captain, and in the course of her examination she testified repeatedly that she never had any trouble with the police. I, myself, wondered at the time she testified what her motive was under the circumstances. Captain Cross has handed me a record of her conviction, which I wish to have put in evidence.

Mr. Goff.—I do not object to it from the fact that it is already on record. Katie Schubert testified that the police never arrested her, never raided her, and that on their evidence she was never convicted; but that she was convicted upon the testimony and upon the efforts of the officers of Dr. Parkhurst's Society.

Mr. Nicoll.—That is a different one. That is by Captain Cross himself.

Mr. Goff.—That is the same one. There was only one.

The Chairman.—Let it in. It is only corroborative testimony.

Mr. Goff.—We will allow it by consent.

Paper marked "Exhibit O," of this date, and is as follows:

At the Court of General Sessions of the Peace, holden in and for the city and county of New York, at the city hall of the said city, on Tuesday, the 21st day of June, in the year of our Lord, 1892. Present: The Hon. Rufus B. Cowing, city judge of the city of New York.

The People v. Katie Schubert

On indictment for keeping house of ill-fame. In Tenth ward, May 27, 1892, unlawfully did keep and maintain a certain common, bawdy house and house of ill-fame. Filed June 10, 1892.

The defendant, by leave, etc., withdraws his plea of not guilty and now pleads guilty.

Judgment is suspended. (A true extract from the minutes.)

JOHN F. CARROLL,

Clerk of Court.

Henrietta Hensing, called on behalf of the State, being duly sworn, testified as follows:

Mr. Goff.—I notice, Mr. Chairman, a gentleman in court whom you have called upon before to serve this committee in my hearing but who was absent. I would like you to call upon Mr. Kempner and ask him if he would translate for this lady.

The Chairman.—Will you translate, Mr. Kempner?

Mr. Kempner.—I will be happy to help you.

Mr. Nicoll.—I object to having this man interpret.

Mr. Goff.—Then let Mr. Nicoll interpret.

Mr. Nicoll.—Let the chairman do it. He speaks German better than anybody else.

Mr. Goff.—All right, if the chairman wishes to undertake the task.

The Chairman.—I will do it, if it is satisfactory to both sides.

Mr. Goff.—Thank you, Mr. Kempner, I did not know that the chairman spoke German.

Mr. Nicoll.—Why he did it the other day. He speaks German like a native.

Direct examination by Mr. Goff (interpreted by the chairman):

Q. You kept a house No. 181 Fourth avenue this city? A. Yes; I did.

Q. You are a married woman? A. Yes, sir; I am married.

Q. Was that a house of ill fame? A. It was not; I only had married people in that house.

Q. Respectable people lived in that house? A. So far as I know, respectable people.

Q. And you rented your room to married people? A. Yes, and also to gentlemen.

Q. So far as you know, did you admit to your house any woman of loose repute? A. Never, as far as I know.

Q. Had you a saloon there? A. Yes.

Q. And your rooms you rented upstairs? A. Twenty rooms, about.

Q. Do you remember a wardman by the name of Hock? A. Yes, I do.

Q. Did this wardman, Hock, visit your place in Fourth avenue? A. He used to call me out and I spoke outside on the sidewalk with him.

Q. Do you remember the first time that he called on you? A. Yes; it was in July, last year; excuse me, I can not say exactly, whether it was in June or July; it was in either one or the other month.

Q. Was there anything said by Hock about money? A. People told me that if I wanted to open business there I would have to see the police, so I went to the police station and saw the captain there; the captain said that he couldn't speak German; I should go to Hock; that Hock was his right hand.

Q. Who was the captain? A. I don't know; he was the predecessor of Captain Cross; I saw Hock and I told Hock I was opening a house and I had just come to this country, and in case any trouble occurred in my house I wanted him to protect me, and he said he would come and see me, and that evening he came, and he said to me that if anything should happen that I should turn to him; I gave him \$10; after that a boarder in the house let somebody in at night and a watch was stolen in the house and the policemen rang the door-bell, and I went down and he said that a watch had been stolen in my house, and I said that that was impossible; that the people had been living there two months and they didn't make that impression upon me; the policeman then brought a number of detectives with him, or other policemen, and they came into the house, and the husband of one of the ladies came down stairs, and pointed out the man and said he was the man who had stolen the watch; whereupon the police arrested him; whereupon the gentleman in the saloon told me that I was not paying the police enough; if I paid them more they would leave me alone; Hock came around and said to me if anything of that kind happened again I would get myself into trouble; I wanted to give him money, and he said "later on" and refused to take it.

Q. How much money? A. I was going to give him \$10 again, and he said it was not enough and refused to take it; then a woman with her son had trouble, and I sent after Hock at the station-house and an envelope with \$20 in it; a Mrs. Storch took it there for me, and he opened the envelope and put the money in his pocket and said he was coming around to see me; but he

didn't come, and a few days afterwards my house was pulled by Captain Cross.

Q. That was in January of this year, was it? A. Yes.

Q. What took place when you was pulled and brought down to the station-house? A. I was authorized by the landlord to lease my rooms there by the day or by the week; Detective Bush and Detective Yust, but I am not certain about the latter name, came with a couple of women to my house and rented rooms; this happened before I was pulled; all wanted to go into one room, but that was not permitted; I was arrested and taken to the station-house; I offered bail and the sergeant at the desk demanded \$15 from me.

Q. Who was arrested with you, and about what time were you arrested — in the day or night? A. The housekeeper was arrested with me and a woman who lived upstairs.

Q. Two women? A. Yes.

Q. What time of the day or night? A. About 9 o'clock at night, I believe; I am not quite certain about the time.

Q. Did you get out the night that you were arrested? A. Yes; I had bondsmen there, and I was free that night.

Q. Did you give your name of Hensing? A. Yes; I gave my name Hensing.

Q. Did you know the sergeant at the desk? A. I didn't hand the money myself to him; I had only \$14 in my pocket, and my bondsmen loaned me \$1, and he took the money and passed it over to the sergeant.

Q. Did you see it? A. I saw it, and Mrs. Storch saw it, also.

Q. Were you brought to court after that arrest? A. I then went home, and the next morning I went before the court; I went down to the court and had been recommended to a lawyer who was not present, Mr. Steckler. I don't know his first name; he was not present, and Lawyer Repper came up to me and asked me what I was doing there; I told him, and he told me to go over to his office, which I did; when I got there he told me that in order to get me off it would be necessary to pay him \$100.

Q. Did he say what that \$100 was for? A. I told him I could not give him \$100, and I gave him \$50; I said to him that I hadn't been keeping a bad house, and I didn't see any reason why I should be so prosecuted; he said to me that it would be better for me to have my case changed to the Tombs, but in order to accomplish that, it would be necessary for me to pay \$25 more, and I gave it to him; before the case came on for trial he sent me a card, asking me to come to his office; I sent Mrs.

Storch there; he said that, if I paid \$50 more, Detectives Bush and Yust would tell a good story for me.

Q. Did you pay the money? A. I gave \$25.

Q. Gave him \$25 for the detectives? A. Well, he said that it was intended for the detectives, but he said more money was necessary in court, and in court I paid him \$10 more; those I gave to Detective Bush personally, and I was discharged; my lawyer told me that this additional money would have to be paid to Bush, and I met Bush on the sidewalk opposite the court-house and paid the \$10 in his hand.

Q. Where was this? A. It was at the Tombs.

Q. Did you say anything to Bush after that about giving the lawyer \$25 for him? A. A few days afterward Bush came to my saloon and drank a glass of beer, and I asked him whether he had gotten the \$25 from Lawyer Repper; he said no, not a cent; he said that he wanted me to meet him the next morning at the Essex Market Court, and go with him to Repper; that he couldn't do it alone, because it would hurt his reputation, but he wanted to have the money; I went there, but didn't meet him; we didn't meet Mr. Bush, and went back home; the next week we were pulled again, and my husband, together with everybody who was in the saloon, were taken up; we were all arrested, the whole house; we remained over night in jail, and the next morning a man having a restaurant, by the name of Silver Smith, came.

Q. Silver Dollar Smith? A. Yes; and he said he would bail out my husband and myself if I would pay \$100 for it; then he demanded \$25 for each woman; I paid \$50 for three, and didn't have any more money, and the others all paid \$25 themselves; there were married people there visiting friends in the house; they were all arrested with the rest; they all paid Silver Dollar Smith \$25 apiece; all the women were married and some of the gentlemen were single; they paid \$25 apiece to Mr. Smith.

Q. How many were there altogether? A. Six were there who lived in the house.

Q. That was \$150? A. And in addition to that Mrs. Storch and I and my husband and another lady, and there were three visitors, 12 altogether.

Q. Had they all to pay Silver Dollar Smith \$25 each to get out? A. Every one had to pay \$25 apiece or go to the island for a month.

Q. Did they pay \$25 to Silver Dollar Smith? A. I don't know as to all; they all told me they paid \$25 apiece to him; a number are still living there, and they can be examined.

Q. You and your friends paid \$25, did you? A. I paid \$50 for

three; I paid, altogether, \$150; \$50 for three and \$100 for myself and husband.

Q. All to Silver Dollar Smith for bail? A. All to Silver Dollar Smith.

Q. What judge was on the bench, do you remember? A. He said, in addition to that, that he would procure legal assistance for me next morning; we were all discharged, excepting my husband, who was put under bonds; my husband had no interest in that house or saloon or anything connected with it; my husband came after I had opened the house.

Q. Who was the judge on the bench, do you know? A. I don't remember the name; my husband was punished with a fine of \$100, and we don't know to-day what it was for; there was not a person in the house that was not respectable; the detective swore that there were four women in that saloon, and there was only one woman in the saloon, and she was with her husband.

Q. So that, to your knowledge, you kept a perfectly respectable house? A. Yes; when my husband was first arrested he was discharged, and on Monday we reopened the house; in the evening Captain Cross sent to me a message to the effect that he wanted to see my husband; he should come up to the station-house, and my husband didn't come back again; they had arrested him again, because the saloon was open; then I sent a bondsman to bail him out, but they wouldn't let him out; then I went there personally; the sergeant was there, and I told him that my husband was sick, and he ought to be discharged, and handed him a \$10 note, which he took, and he said, "Business is business;" but my husband didn't come home; he had to stay there during the night; I don't know the name of the sergeant; on another occasion Detective Mallon arrested my husband, and he handed him \$5, but he wanted \$15; then he took him to the station-house.

Q. Did you see your husband hand him \$5? A. No, sir; Mr. Schlie saw it; he lives in the house still.

Q. I read from the blotter of the Fourteenth precinct, under date of January 20, 1894: "Saturday, 11 p. m.; name, Carl Hensing, Henriette Hensing; ages, 47 and 43, respectively; color, white; nationality, German; calling, Carl Hensing, saloon; Henriette Hensing, prostitute; married; can read and write; 81 Fourth avenue. Complaint: Keeping a disorderly house; disorderly person. Complainant, Officer Henry Kohn, Fourteenth precinct; Officers Taylor and Lang. Held in \$500 bail to answer. Hogan. Sergeant George O. Leaver is on desk duty." It appears that at 9.30, from the blotter—an hour and a half before the raid—Inspector Alexander S. Williams visited the station-house.

Mr. Goff.—Mr. Chairman, will you ask this lady on the stand, in view of the description on the police blotter describing her as a prostitute as to her character, her married life, or anything that suggests itself to you, as chairman of this committee. This is a thoroughly reputable woman.

Mr. Ransom.—I rise to make a suggestion which I think is pertinent. Do you remember a reproof which came from you the other day when I blundered in the lawyer's way of attacking the credibility of a witness? What is sauce for me ought to be sauce for Mr. Goff.

The Chairman.—I suppose that you are going to ask these questions, so you might as well ask these questions instead of my asking them.

Mr. Ransom.—I was not going to ask a single question about it. I was satisfied with the evidence as it stood on the record as to her character.

Mr. Goff.—I think it is but proper that she should have an opportunity of answering the question.

Mr. Ransom.—Of course, if you will give me the opportunity of inquiring of her in cross-examination as to her character we will see whether the police blotter correctly describes it or not.

The Witness.—I cooked all day in the kitchen. I had no cook and did all the cooking myself and didn't pay any attention to anything else; I have only been here one year. I have never been a person of that character. Before coming to New York I lived for three months in Hoboken. Previous to that time I lived for 18 years in one house in Berlin. I have been married for 20 years, and this is the first time that I have ever heard of a charge of that kind being made against me. I didn't know specially what the people in the house did. I simply rented rooms to them and I was green here in this country, and no charge of that kind has ever been made against me.

Cross-examination by Mr. Ransom:

Mr. Ransom.—The witness testifies, I understand, that she came a year ago, about, from Germany, somewhere in Germany.

The Chairman.—Yes.

Mr. Ransom.—And she had been married about 20 years.

The Chairman.—Yes.

Q. What was your business in Germany? A. I never had any business in Germany; my husband was head waiter in a place similar to the Hoffman House in this city, a splendid place.

Q. That was his business until you moved to this country?

A. That was the only business that he did prior to coming here.

Q. Have you any children living? A. No.

Q. This house on Fourth avenue which you kept and from which you were arrested, what rent did you pay for it? A. One hundred and sixty-six dollars and sixty-seven cents per month.

Q. You rented it for the purpose of keeping a saloon and a furnished-room house, as I understand? A. In order to rent furnished rooms and for a saloon; I wanted to get a hotel license through Mr. Staub, who rented the property to me, but he kept postponing it from time to time.

Q. I understood you to say that in this house you had 20 rooms which you let to people who desired to occupy them, either by the day or by the week? A. Yes; at times I would rent a dozen of them, at times 15; sometimes there were a few, three or four, empty at a time.

Q. How were these rooms furnished? A. I paid \$800 for the business and paid \$2,000 to furnish the house.

Q. My question was how the rooms were furnished, and not how you got the money; what articles were placed in the rooms? A. Very simple.

Q. What articles were placed in the different rooms? A. In every room there was a table, chairs, bed, toilet stands.

Q. Was it a part of your business to furnish your guests in these rooms with refreshments? A. No; I don't know that any stuff from the saloon was sold in the rooms; I had a full license, however.

Q. Will you testify that it was not the daily habit of your business to send to these rooms, from orders of persons occupying them, refreshments in the shape of drinks, beer, wine, cigars and food? A. I can not say as to that; I was in the kitchen all the time and I didn't trouble myself about what occurred in the saloon.

Q. Do you mean to swear that to your knowledge wine and beer was not sent to the rooms as a common thing, to these people who came here? A. I can not swear; I do not know.

Q. Do you know that any person connected with your establishment was ever authorized by you to take any refreshment to these rooms, if called for? A. I never did.

Q. Who had charge of the saloon? A. My husband was behind the bar.

Q. What was he convicted of when he was fined \$100? A. That is just what we didn't know, what he was punished for.

Q. What was the charge against him? A. I believe the charge against him was that it was a disorderly house.

Q. Did you ever receive yourself any person as a guest in this house and assign that person to a room? A. I never did.

Q. Was their a register kept of the guests, a book in which they were required to sign? A. There was a book; I have got it at home.

Q. Were persons who came there as guests required to sign that book when they arrived? A. They signed the book themselves; they would come in and ask for rooms either by the day, or by the week, as the case might be, and they would sign their names in the book? Q. What was the charge for a room in that house by the day? A. Fifty cents, 75 cents, \$1, and by the week, \$3 and \$3.50.

Q. Was there a public dining-room in the house? A. Down in the saloon there was.

Q. Were the guests in the habit of dining there, or did they dine in their rooms? A. No; they would take their meals down in the saloon.

Q. Did you ever advertise the business in the newspapers? A. Never.

Q. How did you get customers? A. A great many who had lived before in the house stayed there.

Q. You said that when you were about opening that house that you were advised by people to see the police for protection; what protection did you think you would require for keeping this kind of respectable house? A. I don't know just what kind of protection, but they said to me that in a house of that kind sometimes boarders would fall out and have trouble, and then it would be desirable to have police protect me.

Q. Was any one woman a guest at your house for more than one day? A. I had nothing to do with the renting of the rooms; I was in the kitchen all the time; Mrs. Storch attended to the renting of the rooms and I can not say what women were there and what were not.

Q. What were you, the cook of this establishment? A. Yes, apparently.

Q. What was Mrs. Storch, the housekeeper? A. She was the housekeeper.

Q. Where is she now? A. I heard to-day that she was in Boston; the day before yesterday she was still here.

Q. Do you mean the committee to understand that personally you spent your entire time you spent in the kitchen cooking for the house? A. I didn't do anything but cook; I didn't even collect the rent; Mrs. Storch collected the rent.

Q. Where did you find Mrs. Storch? A. She had been there before.

Q. Was she the keeper of the house before? A. No; before I went there she was in Fourteenth street in business and came there to take her meals.

Q. I understand you to say that she paid the sergeant at the desk \$10; I would like the sergeant's name if you can give it? A. I can not tell you the name; I would probably be able to recognize him if I saw him again.

Q. Can you remember the time? A. I don't remember the time; it was written in the book.

Q. Was there anybody present when you gave him the money? A. The sergeant was entirely alone; there were other policemen in the adjoining room.

Q. When you were arrested, was it explained to you at the station-house what the charge was against you? A. No; no explanation of the charge was made.

Q. How did you get the understanding that your husband was charged with keeping a disorderly house? A. The lawyer told me that was the charge.

Q. Did the lawyer tell you also that the charge against you was that you were a prostitute? A. He never told you that.

Q. Do you keep that house now? A. Yes; I am still in the house; there is a lawsuit about it.

Q. Still receiving guests by the day and by the week? A. No; I rent no more rooms; the house is closed up for any such purpose; I simply have my things in the house; my license was taken from me; it was broken and every dollar we had was lost.

Q. You testified on your direct examination, positively, to the coming to your house of two detectives and two women and that they desired to have one room; I want to know how you know that if you were in the kitchen cooking? A. Mrs. Storch told me that.

Q. Didn't you suspect then that these people were bad people and that they were coming to your place for no good purpose? A. I don't know anything about those things; I didn't think about it.

Q. What things do you mean? A. Suspicious.

Senator Cantor.—An unsuspecting nature.

Mr. Ransom.—She is unsuspecting.

By Senator Bradley:

Q. You say that this woman, the housekeeper, was in New York three days ago; do you know why this woman left New York and went to Boston? A. Yes; I saw her myself; I have been told that she has gone to Boston, but I don't believe the story.

Q. Did you know the two men or that two men went to see her last night, to see her housekeeper? A. I don't know anything about it; I was told so.

Mr. Goff.—We served her with a subpoena, and after we served her she cleared out. This woman will tell you. We have got the affidavit of service.

The Chairman.—That is not evidence here.

Mr. Goff.—I merely mention it in connection with Senator Bradley's question.

John Schlie, called on behalf of the State as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Do you know Mrs. Hensing? A. Yes, sir.

Q. And Mr. Hensing? A. Yes, sir.

Q. Were you with her to the Fifth Street station-house? A. Yes, sir.

Q. When they were arrested? A. Yes, sir.

Q. Do you remember Mrs. Hensing having \$14 and you loaning her a dollar? A. Yes, sir; I don't know about the \$14; I didn't see that; I saw Mrs. Hensing give Mr. Shop \$5; he gave it to the detective.

Q. What detective? A. I don't know his name.

Q. Five dollars? A. Five dollars.

Q. To what detective? A. To the detective; I don't know his name.

By the Chairman:

Q. On the street? A. Yes, sir.

Q. When the detective came to arrest him? A. Yes, sir; I was arrested myself; I want to bring the report home, and when I went there they locked me up in the station-house too; he wanted \$5 from me.

By Mr. Goff:

Q. Who wanted \$5? A. The detective.

Q. The detective wanted \$5 from you? A. He wanted \$5 from me the next day; he took me to the corner of Broome and Essex, and he said he wanted \$5 of me; I said, "For what;" he said, "You have to pay \$10 when I don't discharge you."

Q. When he didn't discharge you? A. Yes, sir.

Q. You were never arrested? A. I was arrested; Mr. Hensing he got bail for me; he bailed me out the same night.

Senator Bradley.—He says he merely went down to see about them, and he was arrested, too.

Q. You went down to the station-house to see about Mr. and Mrs. Hensing? A. Yes, sir; and then I was arrested.

Q. Did you, yourself, pay any money? A. No, sir; he asked money from me, but I didn't give him any.

Q. But you saw this woman give \$5? A. I saw Mr. Hensing give it to his bailman, Shop, and Shop gave it to the detective; he wanted \$15.

Q. And you saw Mr. Hensing, the husband of this last witness, give it to Mr. Shop, the bailman? A. Yes.

Q. And Mr. Shop, the bailman, handed it over to the detective? A. Yes, sir.

Q. Where was that? A. That was in Essex street—on Broome street, and the next street to the Essex Market Court.

Cross-examination by Mr. Ransom:

Q. What is your business? A. Tailor.

Q. Where do you work? A. I have a shop in 81 Fourth avenue.

Q. That is the house that Hensing had? A. Yes, sir.

Q. Did you board there? A. No, sir; I got a family; I live outside.

Q. Did you see any women go in and out of there during the day? A. I didn't see no women at all.

Q. There were no women at all there? A. No; he had a lager beer saloon; I got a pint of beer in the daytime, and that is all.

Q. Did you get any meals there; take your food there? A. My wife brought my dinner there.

Q. You had your dinner in your own shop? A. Yes, sir; in the basement.

Q. You didn't know anything about Hensing's business at all? A. No, sir; I didn't know anything about the business.

Q. How long have you been in that shop? A. Going on four years, now.

Q. Did you know Mrs. Storch? A. Yes, sir.

Q. Did she keep the house before Hensing? A. I don't know that she kept the house; she was on the door; she was in the house; I know her.

Q. Did she keep the house? A. I don't know whether she kept the house or not.

Q. Who kept the house before Hensing came? A. Mr. Hett.

Q. What is the name of the detective who took the \$5? A. I can not remember the name any more; Mrs. Hensing knows the name of the detective.

Q. Where was it, in the station-house? A. Yes, sir.

Q. Right inside of the station-house? A. Yes, sir.

Q. It was not out on the sidewalk? A. They go out together on the sidewalk.

Q. The money was given on the sidewalk? A. In the street.

Q. Who was present? A. Another fellow; he is not around there now.

Q. You were there? A. I was there.

Q. Mrs. Hensing was there? A. Mr. Hensing.

Q. And Mr. Hensing? A. Yes, sir; about the \$5, I seen that.

Q. Who else; what was the name of the other person? A. Jimmie Sullivan saw it; he lives at 17 Seventh street.

Q. There were seven or eight people there when this money was paid to the detective, is that right? A. Yes; this young fellow was with me.

Q. Who did you talk with about these \$5 before you came down here? A. Before I came down, Mrs. Hensing asked me if I saw any money go out from her husband; I said yes; her husband gave it to Mr. Shop, and Mr. Shop gave it to the detectives.

Q. Where is Mr. Hensing now? A. I don't know.

Q. When did you see him last? A. I didn't see him in about two months.

Bartholomew Brizzolari, called by the State as a witness, being duly sworn, testified as follows:

By Mr. Jerome:

Q. You kept a hotel, and keep a hotel at 17 East Seventeenth street in this city, do you not? A. My wife keeps that.

Q. Your wife keeps a hotel there? A. Yes, sir.

Q. And your business is that of a caterer, is it not, as well? A. Not there.

Q. But you had a caterer's business besides? A. Yes, sir.

Q. Now, in 1892, were you the caterer at the Liquor Dealers' Association ball? A. Yes, sir.

Q. At the Metropolitan Opera House? A. Yes, sir.

Q. Did you have the wine privilege there? A. Yes, sir.

Q. Was there a sergeant of police in uniform in command of the police there? A. Yes, sir.

Q. Did you have any conversation with him? A. Well, he was around there.

Q. Did you have any talk with the sergeant? A. Yes, sir.

Q. At what time in the evening? A. It was about half-past 12.

Q. Tell us, as nearly as you can recollect, just what he said to you and what he said to you, and what you did?

Mr. Ransom.—Did he give the name of the officer?

Mr. Jerome.—He does not know his name.

A. At half-past 12 one of the police says to me, "You have got to close up at 1 o'clock; otherwise you have got to pay

something for the privilege to serve liquor and wine all night; so, pretty near 1 o'clock, one of the men came with the sergeant, and he says, "You have got to give some money to this man; otherwise we close up the business."

Q. The sergeant came with the man in citizens' clothing to you, did he? A. Yes, sir.

Q. You didn't know the man in citizens' clothing? A. No, sir.

Q. And the sergeant said to you that you would have to close up or pay money? A. Yes, sir.

Q. What did you then say? A. I offered him \$50.

Q. What did he say? A. He said it was not enough; I had to give him more or close up.

Q. What did you offer him then? A. I offered him \$100.

Q. Did he take it? A. Yes, sir.

Q. And you sold the rest of the night? A. Yes, sir.

Q. Did you ever have any other experience of that kind with the police? A. No, sir.

By Chairman Lexow:

Q. What was the name of the sergeant? A. I don't know his name.

Q. Have you ever seen him before? A. No; I didn't see him before.

By Senator Bradley:

Q. Was the sergeant in uniform? A. Yes, sir.

Q. Had sergeant's uniform on him? A. Yes, sir.

The Chairman.—Any cross-examination?

Mr. Ransom.—No, sir.

By Chairman Lexow:

Q. Do you know what precinct that sergeant was connected with at that time? A. No, sir.

Q. What is the date? A. That was in March, 1892.

Q. Have you ever seen that sergeant since? A. No, sir.

Charles Franklin Clark, called by the State as a witness, being duly sworn, testified as follows:

By Mr. Moss:

Q. Where do you live? A. Two hundred and sixteen East Ninety-eighth street.

Q. New York city? A. Yes, sir.

Q. Do you know John J. Ryan? A. I know him; yes, sir.

Q. He is the leader of the Tammany organization in the Twenty-fifth Assembly district? A. Yes, sir.

Q. Do you know an officer named Keating? A. Yes, sir.

Q. Do you remember when Keating was appointed to the force?
A. No; I don't exactly remember that.

Q. Do you know whether Keating paid any money at about that time? A. Yes, sir; to my belief.

Mr. Ransom.—I wish to have that stricken out.

By the Chairman:

Q. Do you know that he did? A. Yes, sir.

The Chairman.—He knows.

By Mr. Moss:

Q. Who is Officer Keating; can you give his full name? A. There he is now (indicating.)

Q. What station is he connected with, do you know? A. The old Twenty-seventh precinct, Eighty-eight street.

Q. Can you state how much money he paid, and to whom? A. To Dave Brant, to my knowledge, \$35 dollars; he was to pay \$350; he got \$35, and when Dave Brant sent me there to see him at Eighty-fourth street and Second avenue he told me if I would come down there again or with Brant he would lock us up.

Q. Who told you that? A. Keating; when I came up and told Mr. Brant that, he said, "Come on, I will break him."

Q. What happened then? A. I didn't hear any more; he came up with about \$15 in 10 minutes after.

Q. That is, Keating came up with \$15? A. To Brant.

Q. You say he paid Dave Brant \$35? A. Yes, sir.

Q. And that there was \$350 paid altogether? A. Yes, sir.

Q. Do you know was the rest of the money paid? A. Dave Brant paid somebody down in the central office.

Q. Did Brant get all the money? A. As far as I know, what Dave Brant told me, he had.

Mr. Ransom.—That is not evidence, is it, what Dave Brant told the witness.

Mr. Moss.—We will try and connect that.

By the Chairman:

Q. Brant was not a policeman? A. He was a policeman, but he got broke.

Mr. Ransom.—Brant was not a policeman. I don't think that that is proper evidence.

By Mr. Moss:

Q. Was any statement made by Mr. Brant regarding the \$350 in the presence of Mr. Keating? A. No, sir; in the presence of me; he said —

Mr. Ransom.—I object to that.

The Chairman.—It looks to me as though that objection was a good one.

Q. Have you talked with Mr. Keating about his appointment and how he got on the force? A. No, sir.

Q. Do you know whether Mr. Keating passed his own mental examination? A. He couldn't have passed, because he paid Dave Brant to pass for him.

Mr. Ransom.—I object, and move to strike that out.

The Chairman.—It looks to me, Mr. Moss, as though any quantity of evidence could be manufactured in this way, and, therefore, it would paralyze the really good evidence that you have in the case to put in evidence of this kind.

Mr. Moss.—The difficulty is that I don't know what these men will testify to. He has come here under subpoena. He has stated that he knows things which he will only tell on the stand, and I am trying to find out what those things are.

The Chairman.—Then I will admit it, subject to a motion to strike out. You remember your motion, Mr. Ransom, for I can not suggest it to you.

Q. Have you any knowledge that Dave Brant passed the examination for Officer Keating? A. That is what he told me.

Q. Who told you that? A. Dave Brant.

Mr. Ransom.—I take an exception to the previous ruling.

Q. Have you any knowledge that Dave Brant passed the examination, other than his own statement to you? A. No, sir.

The Chairman.—Passed the examination for Keating?

Mr. Moss.—Yes; for Keating—the mental examination.

Q. You know when the examination took place? A. No, sir; I do not.

Q. Can you give the year? A. I was not acquainted with him then; I was only acquainted with him since 1891.

Q. Acquainted with Keating, you mean? A. With Brant.

Q. When did you have that conversation with Brant, in what year? A. Eighteen hundred and ninety-one.

Q. Do you know any other police officers who have paid money to be appointed? A. Jacobs.

Mr. Ransom.—I object to that; that is an assumption that Keating paid; I should not object unless I felt that I ought to do so, and I know the limits of this inquiry, I believe, and am

trying to keep within them; if the chairman will have the question read, he will see its impropriety.

The Chairman.—Leave out the word "other."

A. There were 16; he had 16 students at the time, but I can not recollect their names.

By the Chairman:

Q. He had 16 students at the time? A. Yes, sir.

By Mr. Moss:

Q. Who do you mean, Brant? A. Yes, sir; I went with him down to Houston street and Bleecker street, asking officers for money for him.

Q. You went to officers asking money for him? A. Yes, sir.

Q. What officers did you go to? A. I can not answer the names; I had a book at the time.

Q. Where is that book? A. I haven't got it now; I believe Brant took it from the time the saloon busted up in One Hundred and Third street.

Q. What saloon was that? A. Cooper's.

Q. Did Brant hang out there? A. Yes, sir; that was the main office.

Q. Do you mean to be understood as saying that he was engaged in this business as a business? A. Yes, sir.

By Mr. Moss:

Q. Where is Brant now? A. Over in Newark, New Jersey.

Q. Do you know whereabouts? A. No, sir; I can not tell you that.

By the Chairman:

Q. How long have you been over there? A. Ever since this affair of Jacobs was shook up in police headquarters; he sneaked then, with Theodore Sanders.

By Senator Cantor:

Q. How long ago is that that he skipped the State? A. About two years and a half.

By Mr. Moss:

Q. Did you have any paper, book or memorandum showing the questions that were to be asked policemen upon their examinations? A. I had the police book.

Q. Who furnished that police book? A. Dave Brant.

Q. For what purpose? A. For the new scholars.

Q. Who were the new scholars? A. Anybody that wanted to go on the force.

Q. Did you show that book to the new scholars? A. I didn't; Dave Brant did.

Q. Did you see Dave Brant show it? A. Yes, sir.

Q. Do you know whether any of these applicants were ever appointed? A. Yes, sir.

Q. How many of them? A. To my belief, six.

Q. Did you know that there were six at any time? A. Yes, sir; because I seen him collecting the money for the six.

By the Chairman:

Q. You say you saw him collect the money for six; just state the different occasions and the amounts? A. Well, from 10 to 20 dollars at a time.

Q. For what; for tuition? A. Yes, sir.

By Senator Cantor:

Q. Can you give us the names of any of those parties? A. No, sir; that is what I forget; I had it in a book; all I can remember is that one is Keating, and the other one was Jacobs.

Q. That is, Jacobs, the witness here? A. Yes, sir.

By Mr. Moss:

Q. But he was not appointed? A. No, sir.

By the Chairman:

Q. Outside of this \$10 tuition fee that you speak of, did Brant collect any other money? A. Brant was collecting 35 to 50 or \$60 every month, and sometimes in the middle of the month, there was a policeman's wife—she lived then in Eighty-seventh or Eighty-eighth street—used to come up there with money—the 15th; and that officer was in Mulberry Street precinct.

Q. What did she bring this money for? A. For her husband getting appointed; for Dave Brant passing him.

Q. Had he been appointed at that time? A. Yes, sir.

Q. What was she bringing the money for then? A. Well, they didn't pay.

Q. He was appointed on credit, and they were paying up? A. Yes sir.

Senator Bradley.—He got appointed on the installment plan.

By the Chairman:

Q. How much did he pay for his appointment? A. Three hundred dollars, and \$50 to Dave Brant for Dave Brant's trouble.

Q. Who got the \$300? A. Police headquarters, some place.

Q. Do you know that? A. What he told me; he said "\$300 goes down below, and \$50 to me."

Q. Is that all he said, that it went down below? A. Yes, sir.

Q. You understand, don't you, that you are on oath now? A. Yes, sir.

Q. Did he say anything about police headquarters? A. He said there is where the money goes.

Q. He said "below," didn't he? A. Yes, sir; below, police headquarters.

Q. Did he use the words "police headquarters?" A. Yes, sir.

Q. Did he say to whom? A. No, sir.

Q. Did you know to whom? A. No, sir.

Q. Did you carry any of the money yourself down there? A. No, sir; I helped to carry some up that he collected off policemen.

Q. Then you went down to see policemen that had been appointed, and get money from them? A. Yes, sir.

Q. From whom? A. For Dave Brant.

Q. From what policemen? A. I can not mention the names.

Q. How many of them? A. Oh, six.

Q. You remember six? A. Yes, sir.

Q. And the amounts you collected, how much were they in the total, altogether? A. He collected \$10 and \$15 off every one.

Q. A month? A. Yes, sir.

Q. For how long? A. Until the \$50 were paid.

Q. That was the agreement, to pay \$50? A. Yes, sir.

Q. What do you know about the payment of \$300? A. The payment of \$300 was supposed to be put down in three payments, \$100 each payment.

Q. Did Brant make any such agreement with the different candidates that he had in his school? A. Yes, sir.

Q. Was that part of the agreement with Brant? A. Yes, sir.

Q. Did Brant mention, at the time of making the agreement, to whom the \$300 was to be paid? A. I couldn't say that; he mentioned somebody down town.

Q. Didn't he mention any name at all? A. He mentioned some name, but I can not recollect.

Q. To whom did the candidate pay the \$300, to Brant, or to the person down town? A. To Brant.

Q. And Brant took the money? A. Yes, sir.

By Mr. Moss:

Q. Can you recall the name of that woman that you speak of who paid the money? A. No, sir; that is the policeman's wife.

Q. Do you know at what station that officer is now? A. No, sir; that is more than I could tell.

Q. Could you find him? A. It is a pretty hard job now.

Q. Have you not yourself demanded money from policemen since their appointment? A. Yes; when Dave Brant sent me.

Q. Entirely for Dave Brant? A. Yes, sir; he gave me a note.

Q. Have you demanded money for Dave Brant or anyone else within the last two years? A. No, sir; I didn't see him.

Q. Have you demanded money of any policeman within the last two years? A. No, sir.

Q. Do you know whether Dave Brant impersonated any of those applicants in the mental examination? A. That is what he told me.

Q. Can you not recall any specific cases; can you not state the residence of any of those applicants? A. Well, that is the only one; he would never give me the residence; we would always go to the station-house, and if the officer was not in, we would go to his beat, and he would go and get ten or fifteen dollars.

Q. What took place on the beat? A. He would stand talking to the officer, and he would say, "Hello, Dave," and put five, ten or fifteen dollars in his hand.

By the Chairman:

Q. I thought you said that you collected? A. Well, I was with him; he got the money; when we went in the station-house, if he couldn't see him, he would send me with a paper, and I would collect.

Q. Were you his messenger? A. I don't know what you would call it; I was his collector.

By Senator Cantor:

Q. Did you keep any part of this money yourself? A. No, sir; I turned it over to him, and he would give me three or four dollars at a time.

By the Chairman:

Q. You didn't accept a weekly or monthly salary yourself? A. No, sir.

Q. According to whether the collections were made or not you would get more or less? A. Yes, sir; and when there were no collections to be made he would fall back on Jacobs.

Q. He would fall back on Jacobs? A. Yes, sir.

By Mr. Moss:

Q. Are you acquainted with any man who now or within the last two years has been receiving money from policemen for services to them in assisting them? A. No, sir.

Q. Are you acquainted with anyone except Dave Brant or anyone who has been engaged in that sort of business? A. Theodore Sanders.

Q. Where is Theodore Sanders? A. That is a mystery.

Q. Has he been engaged in that business since Dave Brant went away? A. I can not say that, but he was before Dave Brant and in Dave Brant's time he had more patients than Dave.

Q. Do you know how many patients Sanders had? A. A book full.

Q. Can you give the names of any of those men? A. No, sir.

Q. Not one of them? A. No, sir; he wouldn't let me know them; he did all his collecting himself.

Q. Do you know anything else concerning Officer Keating, referring to his application and his appointment, that you haven't told me. A. No, sir.

Q. How much did you receive for your services in connection with Officer Keating? A. Well, about \$3.

Q. How much did you get from Keating personally? A. I didn't receive a cent off him.

Q. How much did you say Keating paid altogether? A. Altogether \$15 is all I seen him pay; he paid that one month, and then it came around the next month; and then Dave sent me there with a note and he told me that he would arrest me and Dave Brant, that he didn't want to be bothered with us, that he wouldn't pay any more.

Q. Did he tell you that he had paid Brant money? A. No, sir; Brant told me that he did.

Q. Do you know of any connection between John J. Ryan and the police with regard to the appointment of men? A. No, sir.

Q. Have you not said that you knew something concerning Mr. Ryan with the police matters which you would tell upon the witness stand but not elsewhere? A. No.

By the Chairman:

Q. Did you say that? A. No, sir.

Q. Now, you know, that as an honest man, that to suppress any fact of importance here is just as bad as to state a fact that is false? A. Yes, sir.

Q. And that is for the interest of this investigation and the State that you should make a clean breast of the whole thing? A. Yes; that is what I am going to do.

Q. Do you know anything else in reference to the police department that it would be of advantage to this committee to know? A. No, sir; if I did I would speak it right out.

By Mr. Moss:

Q. What was it, if anything, that you said you would tell upon the stand? A. I don't know of anything else; all Jacobs told me the minute he seen me was, "I am going to subpoena you;" he said, "You know more than me;" I said, "What are you going to subpoena me for?" he said, "Oh, you know the officer; you were his collector;" he said, "How is it you always come to me, when you couldn't collect anything, to get money;" I would go to Jacobs' house with a note for a couple of dollars, and if he didn't give it to me he would come up to our office, corner of One Hundred and Third street, and pay me and Danny Ryan—

Q. You know Danny Ryan? A. Yes, sir.

Q. He is on the police force now? A. Yes, sir.

Q. Is he the man Dave Brant passed for? A. Yes, sir.

Q. Did you ever have a talk with Danny Ryan? A. Yes, sir.

Q. What did he say? A. He wanted to get as high a per cent. as he could.

Q. Did he tell you that Brant had passed for him? A. Yes, sir; I know all the transaction; we often got passes from the Second Avenue depot to ride up and down town, me and Brant.

Q. Do you know Danny Ryan's father, Sergeant Ryan? A. Yes, sir.

Q. Do you know whether Sergeant Ryan knew about Dave Brant impersonating his son? A. Yes, sir.

Q. About the pass-book, where did you get that? A. Off Danny Ryan; his father gave it to give Dave; so me and Dave, it wouldn't cost us car-fare.

Q. That is, Sergeant Ryan gave you a pass-book upon the Second Avenue line? A. Gave it to his son to give to Dave Brant and myself.

Q. As a part of the consideration for your services? A. Yes, sir; to ride up and down without costing car-fare.

Q. Did you ever go to Morris Jacobs at the request of John J. Ryan? A. No, sir.

Q. Did you ever talk to John J. Ryan about Morris Jacobs? A. No, sir.

Q. Or about his business? A. No, sir.

Q. Did you ever talk with John J. Ryan about any policeman? A. No, sir.

Q. Are you a member of the Tammany organization? A. No, sir.

Q. What conversation did you have with Sergeant Ryan about Brant passing for Danny Ryan? A. I didn't have none.

Q. Did you hear any conversation in which that matter was spoken of? A. No, sir; Dave would go right up to the desk and I would go outside; either sat on a chair outside or stood against the railing.

Q. Were you ever present to hear the conversation that passed between Brant and Ryan? A. No, sir; Brant told me when he came outside; he would tell me that Danny Ryan — Danny, I believe, wanted to get 100 per cent.

Q. What did Brant say to him about that? A. He said he couldn't get it because he was too low the last time he went down for examination.

Q. How low was he at the previous examination? A. I don't know.

Q. Can you recollect the conversation? A. Brant said it would not do; it would be a dead tumble if he got more than 75 or 77.

Q. Why? A. Because at the last examination he couldn't fetch that much.

Q. He thought it would be too great a jump at once to go to 100 per cent? A. Yes, sir.

Q. Did the sergeant agree to that? A. I believe he did, sir.

Mr. Ransom.—I now move to strike out very nearly all the testimony of this witness; I tried to keep track of it under your suggestion; it should be stricken out; that portion of it which depends entirely upon the statements of Dave Brant to the witness; I first asked the committee to strike out his testimony in regard to the knowledge Sergeant Ryan is supposed to have had that Brant impersonated his son Danny; all he knows about it is what Brant told him.

By the Chairman:

Q. Is that all you know about it? A. Yes, sir.

Q. Sergeant Ryan didn't say anything to you about it? A. No, sir.

Mr. Goff.—Whatever Brant said to him is hearsay; that is true, nevertheless, we have to consider that it is evidence of part of his system; the witness testifies that they had an office for the transaction of this business; and at this office these transactions took place; now, even in a court of law, business relations established between Dave Brant and this witness would be good evidence; much more is stronger upon the question of showing the system that was in existence of causing policemen to go through a brokerage business, as it were, at this office.

Mr. Chairman.—I do not understand that any motion is made to strike out that part of the evidence at all.

Mr. Goff.—One is interlaced with the other, because the transactions were continuous. The statements of Brant and this witness were also part of the facts. You can not discover one from the other. Then again Brant is out of the jurisdiction. We can not get him. While it is true that it can not be considered as evidence affecting the police department proper as it is now managed and officered, yet I think it is pertinent to go to the information which you are seeking touching the system of admission of candidates to the police department, or as corroboration.

The Chairman.—I understand this motion to strike it out is with reference to one particular conversation; that this witness testified he had with Brant, which implicates Sergeant Ryan. The only effect of this testimony is to implicate Sergeant Ryan. I do not see that it goes to the pith of the situation at all, except for that purpose. Now, I think it is unfair for this committee to implicate a sergeant of police not a necessary party to these transactions at all, on simply hearsay evidence, without any corroboration.

Mr. Goff.—One moment, Mr. Chairman. There is before you already the positive evidence of Jacobs on the same question.

Senator Bradley.—That is so.

Mr. Goff.—Now, that is but a corroboration of that. Jacobs heard Sergeant Ryan talk. Now, it appears here that he and Brant went to the station-house upon certain business. This man stood by there and saw them talk together. Now, the declaration of Brant, these two having a common purpose and being in a combination for a certain purpose, would be admissible in a court at law.

The Chairman.—Not against the police department.

Mr. Goff.—That is what I say. So far as Ryan is concerned it is circumstantial corroboration of Jacobs' testimony.

Mr. Ransom.—My motion is simply to strike out what the witness testified that Sergeant Ryan was aware that Brant had

impersonated his son Danny. It transpired in the next answer that all he knew about it, as he has already testified to you, was what Brant told him.

Mr. Goff.—We do not object to that.

The Chairman.—It is stricken out.

Mr. Ransom.—I ask for the same reason that the committee strike out the testimony of the witness as to all that Brant told him in regard to Officer Keating. There is not a word of the witnesses' testimony that implicates Keating upon personal knowledge, except that he saw \$15 paid, as I remember his evidence. All the other evidence in respect to the \$50 and the \$350, the money that was to go to headquarters; all that Keating said he would do depends entirely upon Brant's statement of the witness except in reference to the \$15.

The Chairman.—He testified that he met Officer Keating on the street and demanded more money from him, and that Officer Keating said he would arrest him if he did it again. He paid the \$15; and then, as I understand it, in making his usual rounds for monthly collections he went to see Officer Keating on his beat and asked him for that additional amount of money and the officer refused to give it to him, telling him he was sick and tired of it and that if he asked him again he would arrest him.

Mr. Ransom.—What he testified was that Brant told him that Keating had paid \$350.

The Witness.—He was to pay it.

Senator Cantor.—The witness said that he was to pay it.

The Witness.—He paid \$300 and \$35, but was to pay \$15 more.

Mr. Ransom.—All we have to sustain that statement is Brant's story to the witness. I don't think Officer Keating can be taken fairly out of the principle which you have just invoked in striking out the testimony against Sergeant Ryan.

The Chairman.—I do not think he could either, unless the witness had established already a situation that induces the presumption of bribery. Now, the moment that is established against the man the testimony of any other person is admissible against him.

Mr. Ransom.—I agree with you precisely upon that proposition, but I do not recall any evidence from the witness which would establish any presumption of bribery.

The Chairman.—He said he collected \$15—\$35 altogether, and then when he went to collect the additional \$15 Keating impliedly admitted having paid the \$35 by saying that he would not pay any more.

Mr. Ransom.—Then, under your view of the evidence it is proper that it should stand. I ask now to strike out all that this witness

testified to in regard to Brant's story to him that he had new scholars and he had a certain number of students. All in regard to students new scholars and patients, I move to strike out. That is all a story for Mr. Brant. Surely the committee do not want to condemn anybody on that testimony.

The Chairman.—This testimony does not condemn anybody but Brant, but opens to this committee a light upon this subject as to whether or not there are regular authenticated schools in this city to which policemen have to pay a regular stipend before they can get on the police.

Mr. Ransom.—The witness testified to a combination between himself and Brant and somebody else, which is really intended to bunco all these people; and poor Jacobs is the man that they relied upon always to come up and help them out.

The Chairman.—He testified to a school of 16 scholars and six of these were appointed, and he took a book around and collected their contributions from time to time.

Mr. Ransom.—But there were seven men evidently who were successfully swindled by this witness and Brant and the other man.

Senator Bradley.—The rest were studying their catechism up at headquarters.

The Chairman.—It does not affect the police department unless it is connected with the police department, but it affects the situation so far as this committee is concerned to the fact whether or not that practice can be legislated out of existence.

Mr. Ransom.—You have said exactly what was in my mind, that this testimony does not affect the police department. I am satisfied.

Cross-examination by Mr. Ransom:

Q. Where do you live now? A. Why, up over the bridge, but I stop at 216 Ninety-eighth street.

Q. What is your business? A. Piano mover.

Q. For whom do you work? A. Where there is the most money.

Q. For whom do you work? A. Where there is the most money; the man who pays the most money.

Q. You have no steady employment? A. No, sir; I chucked it up two years ago; I was with Louis Swaim, in Fourteenth street.

Q. You mean you stopped working steadily? A. Yes, sir; there is more money outside.

By Mr. Goff:

Q. With police students? A. Between that and carrying pianos.

By Mr. Ransom:

Q. The business of educating students is not so exacting as carrying pianos, is it? A. No, sir.

Q. Did you say you made more money at it than you did at carrying pianos? A. No, sir; I said I was making more money that way than with steady job.

Q. How much money did Dave Brant pay you altogether for your services? A. It is hard to tell; if he got \$15, I would get three or four dollars.

Q. I mean in the aggregate; how much he paid you altogether; you don't remember that, do you? A. Oh, yes; I was going with him fully for five or six months.

Q. How much did he pay you in that time? A. I don't know; about one hundred and a quarter, besides drinks and eatables.

Q. He boarded you, did he? A. No, sir; if we were down town, and it was too late to get dinner, we would eat down town.

Q. He paid you \$125 in five or six months? A. Yes, sir.

Q. Did you spend your entire time with him? A. No, sir; when I would get through moving I would go up to what they called the office.

Q. How many other professors did he have in this school of his? A. A good many of them.

Q. Can you name some? A. The most that were there at the time was Jacobs, Danny Ryan —

Q. Jacobs was not a teacher, was he? A. No, sir.

Q. He was a pupil? A. Yes, sir; you mean teachers?

Q. Yes; you were one of the teachers? A. No; I was one of the collectors; no teacher.

Q. Who were among the teachers? A. Theodore Sanders.

Q. What is it you call it; he sneaked two or three years ago, didn't he? A. Yes, sir.

Q. Who was another teacher? A. Dave Brant.

Q. I understood that Sanders was running a business on his own account? A. He was, but he would come to that office; then Sanders lived in One Hundred and Eighteenth street, near Pleasant avenue.

Q. Brant and Sanders were doing a separate business, were they? A. Yes, sir.

Q. They were no partners in this business? A. No, sir; not in all; in some cases.

Q. Who was assisting Brant besides yourself? A. Nobody as I know of.

Q. Do you know a man by the name of Barmstropp, a wife-beater? A. Yes, sir.

Q. Was he in your party? A. He used to go up there; he was on the force then.

- Q. What do you mean, a policeman? A. Yes, sir.
- Q. Was he engaged as a teacher at the same time? A. Yes, sir; he got that after my time.
- Q. What do you mean, he got to be a teacher? A. He got to be going down; yes, sir.
- Q. He was dismissed from the force? A. Yes; so far as I believe.
- Q. Then he became a part of Brant's establishment? A. Yes, sir.
- Q. You are in no regular business now, are you? A. No, sir.
- Q. Have you ever been arrested? A. No, sir.
- Q. You have always managed to escape arrest, have you? A. Yes; I don't do anything to give them occasion.
- Q. Did you think this was a legitimate, honest business that you were engaged in with Brant?
- Mr. Goff.—Is that material?
- Mr. Ransom.—Yes.
- A. I don't think it was out of the road; I would take all I could get; that was all I was looking after.

By Mr. Moss:

- Q. Who were the other collectors? A. There were none, only me at the time.
- Q. I thought you said there were other collectors? A. Barmstroff had the job after that, but I never seen him collecting money.
- Q. How did you become a collector? A. By stopping up there, and Dave Brant took a liking to me; he asked me to take a trip down to police headquarters one day; we went down there and the first thing we met was an officer.
- Q. Who was the officer? A. I can not mention his name; the next thing I know I saw two ten dollar bills slipped in his hand; he said, "That is good;" I said, "How did you get that?" he said, "That is one of my students;" I said, "What do you mean;" he said, "I passed for them people;" he said, "That is good;" so we went and had a drink and walked a couple of blocks; he commenced scratching his head and he said, "I guess I have another student;" he goes down there and gets \$15 more.
- Q. From whom? A. In Mulberry street from another policeman, a big tall fellow.
- Q. Where is he now? A. I don't know; I think he was at the door then.
- Q. Doorman at headquarters? A. Not at headquarters.
- Q. Mulberry Street station-house? A. Yes, sir.
- Q. That was in 1891? A. Yes, sir; that was \$35; then he came up and I got \$3 out of the twenty.

Q. Will you please describe that big tall policeman? A. He was a big tall policeman with a short sandy beard.

Q. Had he any moustache? A. No, sir.

Q. Side whiskers? A. No, just sandy beard.

Q. How old was he? A. I should judge him to be a man 33 to 35 years of age.

Q. When you say tall, how tall? A. Six feet or six feet and half an inch.

Q. Then you collected from that policeman and saw another one, didn't you? A. We say the one first that we got the \$20 from; then this second one, which I think was doorkeeper, we got \$15 from; out of that day's work I got \$5; at half-past eight Brant sent me to Jacobs with a note asking for \$5; says Jacobs to me, "I will be up in half an hour;" he did come up; Danny Ryan came in in the meantime and we started to play dominoes and Jacobs gave him \$3, and out of that \$3 we had our supper and drinks and that is the way the money went.

Q. Where is the office? A. The office is broke up now.

Q. Is there no office? A. Not as I know of now; we had to retire then; the fellow moved.

Q. What broke it up? A. I guess the bartender stole the boss's money as far as I hear; there was no money to run the joint.

Q. Have you mentioned all the persons that were connected in that business helping policemen? A. Yes, sir.

Q. Brant? A. Theodore Sanders, Barnstroff.

Q. Did you know a man named Dwyer? A. No, sir; that is the man so far as I understand that got broke at headquarters.

Q. Do you know any policeman named Woodbridge? A. Yes, sir; he is a roundsman now.

Q. Was he part of the movement? A. Oh, well, he never said anything to me about it.

Q. What did you see him do? A. Only just talk to Jacobs and talk to myself and Dave.

Q. Did you see him talk to Jacobs? A. Yes, sir.

Q. What was he talking about? A. That is more than I can tell you; I didn't hear.

Q. Did you ever look at Dwyer's hand? A. I never seen the man.

Q. You never saw him? A. No, sir.

Q. You have lived fairly well during the past few years? A. Yes; I look like it.

Q. During these two years past how much money have you made at moving pianos? A. Some days as high as \$8.

Q. How much altogether in the two years? A. It is pretty hard to tell.

Q. Come as near as you can? A. A couple of hundred of dollars beside outside work.

Q. Can you tell some of the other sources of income that you have had within the two years? A. Yes, sir; moving furniture and the like of that.

Q. Put that in with moving pianos; how much altogether for moving pianos and furniture during the two years? A. It is pretty hard to tell.

Q. Come as near as you can? A. I did all outside work, moving safes, pianos and furniture; that is all I would do at present.

By the Chairman:

Q. How much during those two years did you make in any other business outside of this collecting that you speak of? A. I was not collecting for the last two years.

Q. Not at all? A. No, sir.

By Mr. Moss:

Q. Have you received any money at all from policemen during the last two years? A. No, sir.

Q. You are thinking carefully about it, now? A. Yes, sir.

Q. And are considering the fact that your testimony is just as important as though it was given in court? A. Yes, sir.

Q. And carries the same penalties with it, if not true? A. Yes.

Mr. Goff.—Officer Keating is in court and if he wants a vindication he can have it.

The Chairman.—Does Officer Keating want to take the stand?

Officer Keating.—Yes, sir.

Dennis Keating, called in his own behalf, being duly sworn, testified as follows:

Mr. Ransom.—Mr. Chairman, I think you ought to examine him. He appears as a volunteer and I think under the circumstances that he ought to be examined by the chairman.

The Chairman.—Do you not want to examine him?

Mr. Ransom.—I never saw the gentleman before and did not call him. I have not the slightest objection to his being examined.

The Chairman.—How does the officer come to be called?

Mr. Ransom.—You called him.

The Witness.—You called me, as I understand.

The Chairman.—I understood Mr. Goff to say that Mr. Keating was in court and wanted to be examined.

Mr. Goff.—I heard that Officer Keating was in court and wanted to be vindicated. I was so informed, and I said I had no objections.

Mr. Ransom.—I have no objection, of course.

The Chairman.—This would seem, to a certain extent, to be a precedent. I think it is rather unfortunate in a trivial matter of this kind to establish a precedent of this description.

Mr. Goff.—I think it is, sir. I quite agree with you, Mr. Chairman

The Chairman.—I do not think that the testimony against Officer Keating amounts to enough to take special notice of it.

Mr. Goff.—Very well, sir.

The Chairman.—Why the officer should go on the stand and establish this precedent I do not know.

Senator Bradley.—Excuse him, then.

Mr. Goff.—Yes, sir.

Mr. Ransom.—He is excused because of the desire of the chairman, which is proper, that there should be no bad precedent established, and also on the ground that the testimony against him is of so trivial a nature.

The Chairman.—That the testimony against him, compared with other officers, is so trivial that there should be no precedent established in this particular case.

Charles Doesla, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What language do you speak? A. Vienna, Austria.

Q. Where do you live? A. One hundred and twenty-four Second avenue.

Q. What is your business now? A. Fresco painter.

Q. Did you buy out a cafe in March, 1893? A. Yes, sir.

Q. Who did you buy it from? A. Second avenue, No. 57.

Q. Who sold it to you? A. Leo Rosenfeld.

Q. Did you sell liquor at that cafe? A. Yes, sir.

Q. You had a beer license, did you not? A. Yes, sir.

Q. You had no license to sell strong liquors? A. Schnapps. A. (Interpreted by Chairman.) I only had a license for beer.

Q. Put you sold strong liquor? A. (Interpreted.) I did sell liquor.

Q. Did you have a room connected with that cafe where people played cards for money? A. (Interpreted.) Upstairs there was a large meeting-room, and they played cards there sometimes.

Q. What games did they play? A. I didn't know at first; I didn't know the games; but afterwards I heard it was poker and pinoche, and such games.

Q. Did they play macco? A. Macco, poker and pinoche.

Q. Did you say the room was used for that purpose before you bought it? Did I understand you to say that the room was used for that purpose before you bought the cafe? A. (Interpreted.) Yes, I took it in that condition.

Q. While you had it people played in that room for money, did they not? A. (Interpreted.) Yes, and in the evening they played for money while I had it.

Q. When you were talking to Mr. Rosenfeld about buying the place was anything said about protection? A. (Interpreted.) Not at the time; a partner of mine induced me to undertake to buy the business; I came over from the other side, and a partner of mine induced me to buy the business.

Q. Who was the partner? A. (Interpreted.) Then I bought the business; I paid for it myself; then Rosenfeld came, two days or so after, and said he would introduce me and my partner to the captain of the precinct, and a short time after that my partner went with him to the captain, but I stayed back in the business, and he came back and said, "We will be compelled to pay \$25 a month protection money;" the first month I gave the \$25 to August Bretner, my partner, for that purpose; he is now in San Francisco; the second month and the third month a collector, Wardman Hock, came around, and I paid him personally the \$25 each month.

Q. Were you arrested or in any way troubled by the police during that time? A. No.

Q. How long had you kept the cafe there? A. Three months.

Q. What month was it when it was discontinued, or when you went out? A. In July.

The Chairman.—Any questions, Judge?

Mr. Ransom.—I think not; I have no questions. I could not hear anything the witness said to you or that you said to the witness.

The Chairman.—So far as the captain is concerned, it is all hearsay. The direct evidence is in reference to Mr. Hock.

Mr. Ransom.—I think the testimony in regard to the captain ought not stand.

The Chairman.—I think it is important as affecting Hock. Is there any use, Mr. Goff, to pile up this testimony against Mr. Hock; we have got so much of it.

Mr. Goff.—Of course, it is not a case where a lawyer can consult this witness beforehand, and see what he is going to testify to at the trial. A great majority of these witnesses we have got to put on the stand and then try and extract what we can. If we could predict, by previous examination, what they were going to testify to, why, we could eliminate a great deal;

but many of these witnesses we have never seen, and they would refuse to talk to us. It is only under the stringency of an oath that they will talk at all.

The Chairman.—Did he give the number of his place?

By Mr. Moss:

Q. What was the number of the cafe? A. No. 57, Second avenue.

Mr. Goff.—We have some witnesses here, but it has been a pretty close day; we have done considerable work and I think we had better now adjourn. Will you please to warn the witnesses to appear in the morning.

The Chairman.—All witnesses summoned to appear here to-day will appear to-morrow morning at half-past 10 o'clock. The committee stands adjourned until that time.

Proceedings of the twenty-fifth meeting of the committee to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the Superior Court in the County Court House, in the city of New York, Wednesday, June 13th, 1894, at 10.30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Charles P. Saxton, Jacob A. Cantor, Daniel Bradley and George W. Robertson,

John W. Goff, W. Travers Jerome and Frank Moss, of counsel for the committee.

De Lancey Nicoll and Rastus S. Ransom, of counsel for the police board.

Chairman Lexow.—Are you ready, Mr. Goff?

Mr. Goff.—In one moment.

Chairman Lexow.—Mr. Goff, call your first witness.

Gustave Kosmak, called on behalf of the State, being duly sworn, testified as follows:

By Mr. Jerome:

Q. What is your business? A. I am in the hotel business; a cafe for Mr. Dillon.

Q. Where is that located? A. At the corner of Chambers street and Broadway.

Q. That is about 20 feet above the corner, on the west side of Broadway? A. Yes, sir.

Q. Were you in that cafe night before last about quarter after six? A. Yes, sir.

Q. Was there a large, powerful man, a good deal under the influence of liquor in there? A. Yes, sir.

- Q. Was he disorderly? A. Yes, sir.
- Q. Did you try to eject him? A. Yes, sir.
- Q. Did it result in a squabble in which you clinched and fell to the floor? A. Yes, sir.
- Q. And then your bartender jumped over the bar and held the man? A. Yes, sir.
- Q. Did you send out for a policeman at that time? A. Yes, sir; we did.
- Q. Was he successful in getting one? A. No, sir.
- Q. Who did you send out? A. The porter.
- Q. What is his name? A. Peter Gaffney.
- Q. Is that the man (directing a man to stand up)? A. Yes, sir; that is the man.
- Q. Afterwards a policeman was brought in? A. Yes, sir; and the second trip; on the first trip there was none to be found.
- Q. I was there and went out? A. Yes, sir.
- Q. And I brought in a policeman? A. Yes, sir.
- Q. Did the policeman take the man away? A. Yes, sir.
- Q. Did you go with him? A. Yes.
- Q. Did Gaffney go with you? A. Yes, sir.
- Q. On the way to the Leonard Street station-house, did you meet another officer? A. Yes, sir.
- Q. Do you know that officer's name? A. Yes, sir; I know his name.
- Q. What is it? A. Redmond.
- Q. Was Gaffney with you? A. Yes, sir.
- Q. Did Gaffney say anything in the presence of Redmond, on the way to the station house? A. He did.
- Q. What did he say? A. He complained about the officer; the first officer; about his not coming in when he went for him; he said that the officer pushed him aside; that he told me on the street; and on the way down he told me about it; and wanted me to make a complaint against that policeman for doing it.
- Q. Did Gaffney, in the presence of the other officer, say that you ought to make a complaint against the officer who did not come in when he was called? A. Yes.
- Q. This man with whom you had the trouble was locked up, was he not? A. Yes, sir.
- Q. You came back to your place? A. Yes, sir.
- Q. And Gaffney came back to the place with you, did he not? A. Yes, sir; he did.
- Q. What time did you close? A. About 20 minutes of 8 o'clock, I think it was.
- Q. Who closed the place? A. The porter and myself.
- Q. Gaffney? A. Yes, sir.

Q. Was Gaffney sober? A. Yes, sir.

Q. What time did Gaffney leave there? A. He left about 20 minutes of eight or a quarter of 8.

Q. When did you next see Gaffney? A. I did not see him until the next morning in the Tombs.

Q. And he was there in charge of what officer? A. In charge of Officer Redmond.

Q. The officer who joined you on the way down? A. Yes, sir; that officer.

Q. And in whose presence Gaffney said that you should make a complaint against officer No. 876 who came in? A. Yes, sir.

Cross-examination by Mr. Ransom:

Q. What is the name of the man that you had the fight with? A. He gave his name as William Jackson.

Q. Would you know him? A. Yes; I have known him for a number of years.

Q. That is the name you have always known him by? A. No, sir.

Q. What name have you known him by? A. He did not wish to be known by his real name; of course, if you insist upon it, I will answer and give his right name; I will give it if you say so, but would rather not.

Q. No, you need not. A. He is well known in town.

Q. I do not care about his name? A. Well, he did not want his real name mentioned.

By Senator Cantor:

Q. He got the worst of it? A. Well, he is a big man; he scratched me a little bit.

Mr. Ransom.—The newspapers gave a good account of it, and they made the statement that you were the victor, notwithstanding you were the smaller man.

Patrick J. Gaffney, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Jerome:

Q. Where are you employed? A. At Mr. Dillon's cafe, at the corner of Chambers street and Broadway.

Q. The place of which Mr. Kosmack is the manager? A. Yes, sir; that is the place.

Q. Were you there night before last, at about a quarter after 6? A. Yes, sir.

Q. And you saw the row that took place there at that time? A. Yes, sir.

Q. Did you go out for an officer? A. Yes, sir.

Q. Where did you find an officer? A. At first I did not find any officer at all.

Q. Did you go out again? A. Yes, sir; and then I found an officer.

Q. Where did you find them? A. About middleway of the block, between Chambers and Reade streets.

Q. What did you say to him? A. I told him there was a row inside of the saloon there, and begged him to go in there, and he pushed me back and said that he was talking to his friend.

Q. Who was that officer; was he number 876 that came in? A. I don't know his number.

Q. Then you came back to the saloon, did you? A. Yes, sir; I came right back then.

Q. Then you went back with me? A. Yes, sir.

Q. And the officer also came? A. Yes, sir.

Q. Then did you go with Mr. Kosmack to the station house? A. Yes, sir.

Q. On your way down, did you meet Officer Redman? A. Yes, sir.

Q. What did you say, if anything, about Mr. Kosmack making a complaint about the officer who refused to go in, in the presence of Officer Redmond? A. I told Mr. Kosmack that he should make a complaint against the officer as well as the other man.

Q. What time did you close up there that night at Dillon's? A. About 20 minutes or a quarter of 8.

Q. Were you sober when you left there? A. Yes, sir.

Q. Where did you go from there? A. I went down to Church street, from Chambers.

Q. What were you doing there? A. I stood there waiting for a friend of mine.

Q. What was his name? A. Edward Walton.

Q. How long did you wait there? A. About half an hour.

Q. What happened to you while you were waiting there? A. I was standing on the corner and the officer came up in front of me.

Q. What officer was that? A. Officer Redmond came in front of me, swinging his club, and I was watching him, and he said, "What are you looking at here;" I told him that was my business; and he asked me what I was looking at again; and I told him that was my business over again; and with that he grabbed me and turned me around on the sidewalk; and I told him he had no charge against me, and he had no business to arrest me; and he blowed for another officer; and another officer came up and they both took me to the station-house; and on our way going down, when we got to Ridge street and West Broadway, the officer who assisted him, I don't know his name or number, he

"Leave him to me and I will have a clench on him; he is a

Q. What then happened? A. I went down to the station house, and they put in a charge against me of drunk and disorderly and disturbance; and I stood before the sergeant and I asked him if I was drunk; and he says, "Take him down stairs."

Q. Then the next morning, did Officer Redmond take you to the Tombs? A. No; not the same officer who was there, who took me out; they put me in a little room there, and then the officer came and took me to the judge.

Q. Did Officer Redmond appear there against you? A. Yes, sir.

Q. And you were fined five dollars? A. Yes, sir.

Q. Were you drunk? A. No, sir.

Q. Were you doing anything on the corner there, except waiting for your friend? A. No, sir,

Cross-examination by Mr. Nicoll:

Q. Were you ever called a "fresh kid" before? A. Sometimes, maybe; not by a police officer, though.

Q. You were never called a "fresh kid" by a police officer before? A. No,

Q. But you have been called by others a "fresh kid?" A. Yes, sir.

Mr. Ransom.—If the committee please, I move seriously, and I do not mean to move in any other way before this committee, or to make any proposition or suggestion unless I mean it, and I do now most seriously move that you direct the testimony of these two witnesses to be stricken from this record; it has no more to do with this investigation than the Declaration of Independence; it is absolutely immaterial.

Chairman Lexow.—It will only be taken for what it is worth.

Mr. Ransom.—I make this motion before a committee of intelligent gentlemen, fair men, and men who will not allow their time to be taken in this way.

Senator Cantor.—The time has already been taken, and this is occupying more time.

Mr. Jerome.—Here was a rough-and-tumble fight going on, right on Broadway, at 6 o'clock in the evening, and you could not get an officer into the building.

Mr. Ransom.—I have tried to adapt myself and mean to adapt myself to the police of this inquiry, and the committee have allowed the gentlemen on the other side to put up witnesses on the stand when they frankly stated that it was for the purpose of fishing with the witnesses in order to get evidence, to see if they could not in some way enlighten this committee in regard to the police department, hence I made no objection to the testimony; but, now, after it is all in, it is so absurd I feel it ought to go from the record.

Senator O'Connor.—The evidence only tends to show or to prove that the members of the police force are inefficient, or do not respond when called upon.

Chairman Lexow.—The motion is denied.

Karl Werner, being called as a witness on behalf of the State, duly sworn, testified as follows:

By Mr. Jerome:

Q. What countryman are you? A. Austria.

Q. You were educated in the technical schools in Germany as a manufacturer of textile fabrics, were you not? A. Yes, sir; I was.

Q. How long have you been in this country? A. I have been here 13 years.

Q. When you came to this country, what business did you first go into? A. The wool business.

Q. How long were you in the wool business? A. Five years.

Q. After you left the wool business, what business did you go into? A. The beer business.

Q. As a collector for breweries? A. As collector and a keeper of saloon, too.

Q. Where did you keep a saloon? A. In Essex street.

Q. Whereabouts? A. No. 119.

Q. How long did you keep a saloon there? A. About six months.

Q. Then what business did you go into? A. I did not have anything to go into for a long time; I got into trouble with the district attorney's office.

Q. And the result of your trouble with the district attorney's office was, that you were sent to State's prison for seven years? A. Yes, sir; to Sing Sing.

Q. And when you had served your term and came out, what did you do? A. I went right down to Delancey street.

Q. Where? A. To No. 6 Delancey street.

Q. What did you do there? A. Kept a house.

Q. A house of prostitution? A. Called a lady boarding-house.

Q. It was a house of prostitution, was it not? A. It was.

Q. How long did you keep that house there? A. Until November.

Q. When did you go into it? A. In January.

Q. In January of what year? A. January, 1893.

Q. And you kept it until November, 1893? A. Yes, sir.

Q. Then what business did you go into? A. I didn't go into anything; since that time I am in the real estate business now.

Q. Did you not have a saloon after that? A. No, sir.

Q. Did you not have a saloon at Ninety-fifth street? A. I had a saloon at the same time.

Q. At the same time you had a saloon at Ninety-fifth street? A. Yes, sir.

Q. While you were at No. 6 Delancy street, of whom did you rent that house? A. Of Mr. Blatt.

Q. Do you know the houses Nos. 8, 10, 12, 14 and 16 Delancy street? A. Yes, sir.

Q. You knew at that time? A. Yes, sir.

Q. Were they all of them, houses of prostitution? A. Every-one of them.

Q. Did they all belong to Mr. Black? A. All belonged to Mr. Black.

Q. What rent did you pay for your house? A. We had to pay him \$140 a month; we only get \$70 now.

Q. How many girls did you have in that house? A. Six girls.

Q. What kind of a house was it, what was the price there? A. I suppose it was a dollar and a two-dollar house.

Q. Was it a dollar, or a two-dollar house? A. We had no fixed price.

Q. Were you at No. 6 Delancey street when Captain Devery became captain of that precinct? A. Yes, sir.

Q. How long had he been captain of that precinct before you saw him? A. He was there about three days.

Q. Where did you see him? A. He came to the house.

Q. He came to No. 6 Delancey street, did he? A. Yes, sir, he came to No. 6.

Q. What time of day was it that he came there? A. It was at night when he came.

Q. About what time in the evening? A. About nine o'clock, between nine and ten.

Q. Was he in citizen's clothes? A. Yes, sir.

Q. Was he alone? A. No; he had his wardman.

Q. Which one? A. Mr. Glennon.

Q. What did Captain Devery say to you, and what did you say to Captain Devery, and what was done at that house that night? A. The first thing when he came in he said, "What is that big dog doing there?" I had a big dog there and I was afraid that somebody had made a complaint about it, as being wild and he sat down, and he says, "This is the wardman," he said.

Q. Pointing to Glennon? A. Yes, sir; "and I want you to know whatever he says is right."

Q. Did he say who he was? A. He said first, "I am the captain;" "I am the captain, and this is the wardman; whatever he says I want you to do; whatever he says is all right."

Q. What else was said? A. He saw a closet open with some wine and liquors in it, and he said, "What are you doing with these?" I said, "That is for my private use;" then he went away; he did not mention anything about any money to me.

Q. Did he take a drink there before he went? A. I offered him a drink, but I am not sure whether he had a drink or not; I guess we had a drink, but I am not sure; at least we had a smoke.

Q. Did you see Captain Devery after that? A. I did not see him any more.

Q. Did you see Glennon after that? A. Oh, yes, Glennon was there the next day already.

Q. Did Glennon come to your house the next day? A. He did not come there; he came down to Fensters.

Q. Did you meet him there? A. Yes, sir, in Grand street.

Q. Where did you first meet Glennon, after you saw Devery that night? A. The first was the next day in the station-house.

Q. Did you go to the station-house? A. Yes, sir.

Q. About what time of the day? A. In the afternoon.

Q. Did you see Glennon there? A. He was there in his private office, yes, sir.

Q. Will you tell what you said to Glennon?

By Senator Saxton:

Q. Did you go there by appointment to meet him in the station-house? A. Yes, sir.

Q. The day after the captain was there? A. Yes, sir; I said I would be around to-morrow.

By Mr. Jerome:

Q. What did you say to Mr. Glennon at that interview, and what did Glennon say to you? A. Glennon said the price is \$600 now.

Q. What did you say? A. I said, it only used to be 500.

Q. What did he say? A. He said he couldn't help it; that was the price, \$600.

Q. Well, go on? A. So he didn't get the money that day; he had to wait two days longer, and then he got \$300.

Q. Did you say to him that you did not have the money? A. I said that I could not pay him at once, until I got some money, and I would have it inside of three days.

Q. What did he say? A. He was satisfied.

Q. Did you make an appointment where you would meet him? A. Yes, sir.

Q. Where did you say you would meet him? A. In the station-house again.

Q. Then, three days afterward, you went to the station-house?
A. No, sir; I sent some one down.

Q. Who did you send down? A. I don't want to give his name; he is a relative of mine, and I want to try and keep him away; he will come and testify if necessary; of course, Glennon can not deny that he got it.

Q. Did you go with him to the station-house? A. I did not.

Q. Did you give him any money to take to the station-house?
A. Yes, sir.

Q. How much did you give him? A. Three hundred dollars.

Q. Was this man interested with you in the place? A. No, he was not interested.

Q. Did you see Glennon after that yourself? A. Yes, sir.

Q. Did you give him any money? A. After that he got \$100, and \$100 and \$100 again.

Q. How long after that? A. He got the whole money inside of one month.

By Chairman Lexow:

Q. Did Glennon, when you saw him the next time, admit that he had received the \$300? A. That was understood, anyhow; he did not say anything; if he had not got the money, he would have asked at once, before he asked before.

Q. When you paid him the rest, did you say anything about that making up the \$600? A. Yes, sir.

Q. He did not say to you then that he had not received the \$300? A. No, sir.

Q. When you said that made up the \$600, did he acquiesce?
A. Yes, sir.

By Mr. Jerome:

Q. After this man had gone to the station-house with \$300 how long was it before you, yourself, saw Glennon again? A. About a week.

Q. Where did you see him? A. I met him in a saloon.

Q. You met him in whose saloon? A. Schiller's saloon, the corner of Christie and Delancey streets.

Q. What time of day was that? A. Night.

Q. What talk did you have with Glennon? A. We didn't talk anything, except the business was slow; I was not doing any business.

Q. Did you give him any money? A. No.

Q. You said your business was slow? A. Yes, sir.

Q. What did he say? A. He said it was slow everywhere.

Q. How long after that did you see him again? A. I didn't see him for a long time again.

Q. Did you give him any money yourself after that? A. No; I sent the money down; he got his \$600 in full.

Q. You sent the money down by this man whose name you do not want to give? A. Yes, sir.

Q. You sent him three times, each time \$100? A. Yes, sir; and the first time \$300.

Q. Was anything said about how much it was to be a month? A. Fifty dollars every month; that was understood.

Q. Did you ever give any of that money to Glennon? A. I sent it to him.

Q. Every month? A. Yes, sir; until last month, when we had to close on account of Parkhurst.

By Chairman Lexow:

Q. You said you gave him the \$50 a month; you say, "Of course, that was understood;" what do you mean by "Of course, that is understood?" A. That we had to pay \$50 every month.

Q. Do you mean that it applied not only to you, but to everyone in the business? A. To everyone.

Q. And you knew that fact? A. I knew that fact and that everyone had to pay the same.

Mr. Nicoll.—Does not the committee think, in the case of an ex-convict, that the rule of excluding hearsay testimony might be adopted with propriety.

By Senator Saxton:

Q. Was there any talk between you and Glennon about your paying \$50 a month? A. Yes, sir; before that.

Q. Was that the first time that you and he had talked the matter over, when the matter of \$600 was talked over? A. No; we so understood the \$50.

Q. Was anything said by you or Glennon? A. Yes, sir; the \$50 had to be paid.

Q. Did you ever pay Glennon, personally, any money whatever? A. No; I sent it down.

Q. Every time you sent it down? A. Yes, sir.

Senator Saxton.—I think, Mr. Jerome, you will have to find out by whom he sent it.

Mr. Jerome.—I know the man whose name he does not want to mention. I think I can supply that.

Chairman Lexow.—Get from the witness whether or not he met Glennon afterwards, and Glennon told him that he had received it.

Q. After the last \$100 that you sent, how long was it before you saw Glennon? A. It might be two or three weeks.

Q. Did you have any conversation with Glennon about this money that had been paid to him? A. Yes, sir; he said everything was all right now.

Q. That he had received the money? A. Yes, sir; that he had received everything.

Chairman Lexow.—Ask him for the conversation that passed between them.

Q. Where was this that you had this conversation with him, that he had received everything? A. That was in the saloon at Delancey and Christopher streets.

Q. What did you say to Glennon, and what did Glennon say to you? A. I said, "Mr. Glennon, you have got everything now; you are satisfied;" and he says, "Yes, but you know that is not my money."

Q. What did he say further? A. That is all, he says, "It is not my money," and I says, "It is rough that we should pay \$50 besides that, when business is so slow."

Q. What did he say? A. He said, "We can not help it, you must not think the money belongs to me."

Q. Did you ask him whose money it was? A. He did not tell me.

Q. Did you ask him? A. I did not ask him.

Q. Did he say whose money it was? A. He only said that the money was not for himself.

Q. Was he willing to make any abatement on the \$50 a month, because business was hard? A. No, sir.

Q. How long did this payment of \$50 a month go on there after Captain Devery came? A. He only had been there three months.

Q. Then for three months it went on? A. Yes, sir; because we had to close them on account of Parkhurst.

Q. During this time that Captain Devery was there, was there any trouble in the precinct about Dr. Parkhurst? A. We never had any trouble, but we had a tip once in a while to close.

Q. That was when the Parkhurst matter was going on? A. Yes, sir.

Q. Who gave you the tip? A. Some citizen; I don't know, some of the little politicians going around.

Q. Did not you get the tip every afternoon, whether you were to keep open that night or not? A. Yes sir; we got the tip about three or four o'clock.

Q. Every day? A. Yes, sir; sometimes not every day, but sometimes four or five right along; he would say, "You don't need

to close your house to night, but be careful; don't let strangers in."

By Chairman Lexow:

Q. Who gave you that tip? A. I could not tell you.

Q. Do you know whether he was connected with the police department? A. I know he was a man around there; I don't know how he came to do it, but he use to come and give us the tip; he was a man out of work.

Q. Was he the man that you first saw? A. No, sir; it was always the same man.

Q. Not the wardman? A. No, it was no official; it was a plain man.

Q. Do you know whether he was connected with the station-house, or laying around that station-house by day? A. I never saw him.

By Mr. Jerome:

Q. You kept that house open while Captain Devery was there, for three months? A. Yes, sir; I guess it must be three months, for in November I closed.

Q. Why did you close? A. We had to close, because we could not afford to pay such rent.

Q. The police did not close you then? A. The police did not close us, but they gave us a tip to close it anyhow, until further orders.

Q. Who gave you that? A. The same fellow.

Q. Told you to shut up, until you got further orders? A. Yes, sir.

Q. Then you went out of business? A. We waited for two or three weeks, and saw that it was no use of paying the next month's rent, so we went out.

Q. What did you pay for that house when you bought it? A. The house at that time cost \$3,500.

Q. About the furniture, what was that worth? A. Not over \$800.

Q. And the rest of it was paid for the trade? A. Yes, sir; for the good will.

Chairman Lexow.—Did you pay \$750 for the three months' business that you did there? A. We had to pay that; but we did not expect that we would have to be closed up in three months.

Q. The fact is, you paid \$750 for police protection in that time? A. Yes, sir; but it was supposed to be for one year.

Q. Did you have any conversation about that, as to the length of time that this \$600 license fee would cover? A. No; because they never came back and asked about it; the same captain never goes back for it the second time.

Q. How do you know all this? A. I know that from experience before.

Q. You had had previous experience? A. Yes, -sir.

Q. Under other captains? A. I did not have it, but the lady that I had the house from; she had had it; but I don't want to bring her in here; I have nothing to do with other captains; the other captains have done just the same thing, but that is not my business; it was not with me.

Q. It was not with you, you say? A. No; I am only talking about Captain Devery.

Q. You say that other captains had done the same thing; that you know of other captains having carried it on? A. Yes; I know there have been two captains before.

Q. What are their names?

Mr. Ransom.—Is not this testimony only what this woman told him?

The Witness.—Yes.

Q. Do you not know anything about it yourself? A. No; that is with her; it is not my business; I only tell what I know.

Mr. Ransom.—He heard all this from the woman beforehand; I do not think that this committee intends to allow that to stand.

Senator O'Connor.—It seems to be a pretty well understood thing between these keepers and the police.

Mr. Ransom.—The committee does not intend to allow the witness to give testimony of what some other person has told him, does it?

Chairman Lexow.—Not for the purpose of fixing a fact; but for the purpose of fixing the names of witnesses who might be accessible to this committee, as the—

Mr. Ransom.—I have no objection to that, if that is the purpose of the evidence to inquire as to the names of other witnesses, for the purpose of bringing those witnesses here, but if it is to sustain the general charge, I think it ought not to go in.

By Mr. Jerome:

Q. How long had you been in this precinct, keeping a house at No. 6 Delancey street, before Captain Devery came in the precinct? A. I can not say; I only know it was from January to November.

Q. What other captains were there before Captain Devery? A. I do not remember.

Q. Do you remember Captain Cross being there? A. Yes, sir; he was there.

Q. And he had a wardman by the name of Smith? A. I did not know him.

Q. Do you not know that there was wardman by the name of Smith? A. I heard so, but I do not know him.

Q. Did you not see Smith? A. I might have seen him.

Q. Did you not see Smith at your house at No. 6 Delancey street? A. I am not positive about that.

Q. Do not let us have a misunderstanding about this matter at all. The protection that this committee extends to you is, so far as you are telling the truth, and no further. You saw the man Smith at your house in Delancey street, did you not? A. No, sir; he was there before—

Q. Did you meet him in the street? A. No, sir; I told you so before, that I had nothing to do with Smith; Smith was a gentleman, I told you that; that I had nothing to do with him.

By Chairman Lexow:

Q. You say that Smith was a gentleman? A. That is what I heard.

By Mr. Jerome:

Q. Was not Captain Cross captain of the precinct, during a part of the time that you ran this house? A. No, sir.

Q. Was Captain McLaughlin there? A. Yes, sir.

Q. Who was his wardman? A. I had nothing to do with him.

Q. Do you know his name? A. I do not remember his name.

Q. When did you first go in that house? A. In January.

Q. Did you see any policemen in reference to it? A. You must understand that when I came in the house it was opened already.

Q. When you went into the house, did you see any policeman in reference to it? A. No, sir.

Q. So you ran during all the time, until Devery came without seeing a policeman? A. Yes, sir.

By Chairman Lexow:

Q. You succeeded to the protection that the house was then receiving under the old proprietorship? A. Yes, sir.

By Mr. Jerome:

Q. Did you pay each month? A. Yes, sir; I did.

Q. Who did you pay? A. I paid it to the wardman.

Q. Each month? A. Yes, sir; \$50 each month.

Q. And you sent it by this man, whose name you do not wish to mention? A. Yes, sir.

Q. You sent it to the station-house? A. Yes, sir.

Q. To be paid to the wardman? A. Yes, sir.

Q. And part of that time Smith was wardman? A. Yes, sir.

Q. And part of the time Captain McLaughlin's wardman was there? A. Yes, sir.

Q. Do you remember his name? A. No; we had two captains in that year.

Q. During this time did you have any trouble with the Gerry Society? A. That was long before.

Q. Where was that? A. That was over a year before.

Q. Whereabouts was that? A. In 6 Delancey street.

Q. Was that adjusted and arranged? A. Mr. Roesch settled the whole thing.

Q. How much did you pay to have Mr. Roesch settle the whole thing? A. That cost \$1,400.

Q. Who was the attorney for all these houses through there? A. There was only one attorney for all those houses, and that was Senator Roesch.

Q. Was there an officer there by the name of Ringler on that post? A. Yes, sir.

Q. He was there when you came back from State's prison? A. Yes, sir.

Q. Did Ringler know you had been in trouble? A. Yes, sir.

Q. Did you procure Ringler's transfer? A. A friend of mine went to Senator Roesch and he told Senator Roesch —

Q. Never mind what he said; you sent a friend to Mr. Roesch, did you? A. Yes, sir.

Q. And after that was Ringler transferred? A. Yes, sir; he was transferred to Houston street.

Q. Did you request his transfer? A. Yes, sir.

Q. To whom did you make the request? A. To Senator Roesch.

By Chairman Lexow:

Q. What were the grounds of his removal? A. I came from Sing Sing and I did not want anybody to know that I had been there, and he was the only man in this precinct who did know it.

By Senator O'Connor:

Q. Did you tell Mr. Roesch the kind of business that you were engaged in? A. I guess he knew it.

Q. Do you know whether he knew it or not? A. Sure, he knows he had the Gerry case.

Q. He had the Gerry case, involving the same proposition? A. Yes, sir.

Q. The Gerry case against you? A. The time I was in jail; yes sir.

Q. What were the Gerry case? A. A girl was there who claimed to be under 16 years.

Q. Was it a charge of abduction?

Senator O'Connor.—What was this charge that he paid \$1,400 for?

Mr. Jerome.—That was a charge in reference to a girl being under 16 years of age.

The Witness.—Of that \$1,400, Senator Roesch got \$500.

Q. Was Mr. Roesch your counsel? A. Not my counsel; the lady who was there before I came in; the lady who kept the house before I came in there; I only came in in January.

Q. Were you fined \$500, and did Mr. Roesch get \$500? A. Yes, sir.

Q. Who got the rest? A. I guess the lawyer, Mr. Levy.

Q. Did you go right in the same business again? A. I was not in the business then.

By Mr. Jerome:

Q. When was it that Mr. Devery came into that precinct? A. I can not tell you the exact date; but it must be three months; because in November I closed.

Q. Then he came in in about August, 1893? A. It must be about August, 1893.

Q. What captains did you have there before that? A. I do not remember the name; I think it was Captain McLaughlin.

Q. Do you not recollect Captain Cross being there? A. Yes, sir; but I had nothing to do with him.

Q. Was Captain Cassidy there? A. He was there long before.

Q. While Captain McLaughlin and Cross were there, did these payments go on the same way, every month? A. Yes, sir.

Q. Did you send there this man? A. Yes, sir.

Q. You sent him to the station-house? A. Yes, sir.

Q. Do you remember a man breaking a glass in your door one night? A. Yes, sir.

Q. And three policemen coming in off of the Bowery? A. Yes, sir.

Q. What happened then; what did you do to the policemen?

A. One from the Bowery came in, and he had no right to come up from the Bowery on this street, and he made a big bluff;

he wanted to have us arrested; he took his paper out, and put some names down, and one of the other policemen from Delancey street said, "Never mind, we will let that go; that is all right," and I gave him \$3, and he came back afterward and said, "What do you take me for," and I said, "You keep that for yourself," and I gave him \$6 more, and that made \$9 that I gave him.

Q. That was \$3 apiece? A. Yes, sir.

Q. And then he left? A. Yes, sir.

Q. And no complaint was made? A. Yes, sir; I told him, "I don't know why I should pay you every time you come in here, if we pay for our protection."

Q. What did he say? A. He said he didn't get any of that.

Q. Do you know those officers? A. I don't know their names, but I know the fellows.

Q. Did you have a saloon last year? A. Yes, sir.

Q. Where did you have that? A. At Ninety-fifth street, on the corner of Columbus avenue.

Q. How long after you opened and ran that saloon, did you get your license? A. I guess it took me two or three weeks.

Q. So you ran it for two or three weeks without a license? A. Yes, sir.

Q. While running that saloon without a license, did any police officer come to your place? A. The wardman did.

Q. What was his name? A. I don't know his name; there is only one wardman there, I think.

Q. What precinct is that? A. Captain Murphy's precinct; I don't know the number.

Q. Captain Murphy's wardman came to you? A. Yes, sir.

Q. What did the wardman say to you? A. He said he was sent around to make me close the house; somebody sent him, but he would not report me, if I made it all right; I did not have much money but I gave him \$5.

Q. What did he say to you? A. He said, "It is all right;" and I said, "I will try and get a license next Monday, or in a few days."

Q. Did he come there more than once? A. The next time he sent another man around.

Q. Who was the other man? A. Another wardman, I guess it was; they must have two.

Q. What did he say? A. I did not give him anything; I said, "I am getting tired of it; you can do your worst; my license is before the board of excise, and if I can not get it, it is not my fault."

Q. What then happened? A. The first wardman came back in.

Q. What did you do with him? A. I gave him only \$3 that time.

Q. What did he do? A. He said he was satisfied again, but he came in and had a bottle of champagne.

Q. Did he pay for it? A. He did not pay for it.

Q. Did he come in again? A. He came in a second time and had another bottle of champagne, after two hours.

Q. Did he pay for that? A. No, sir.

Q. Did you ever see either of the wardmen after that? A. I saw them a few days after that, but I did not give them anything.

Q. You did not give them anything after that? A. No, sir.

Senator Cantor.—How many wardmen are there in a precinct?
Mr. Jerome.—Two.

Q. You went to the excise board to get your license, did you?
A. Yes, sir.

Q. Who did you see down there? A. I went to George Krause's.

Q. Did you see anyone connected with the excise department?

A. I was introduced to some parties, and they said the best thing would be to spend a few dollars.

Q. Did you spend anything with them? A. I spent \$34.

Q. On champagne? A. Yes, sir.

Q. Was anybody connected with the excise department there?

A. Yes, sir; some were there, but I did not know them.

Q. While you were running this saloon without a license, did you see an excise inspector by the name of Green? A. Yes, sir; he came there.

Q. What did he say? A. He wanted some money.

Q. What did he get? A. I gave him \$3; I told him, "I can not give you any more now; come around some other time;" so he gave me his card for his private house, and told me to send him around some bottles of brandy.

Q. Did you send him around any brandy? A. I did not.

Q. Did you see Inspector Green again after that? A. Yes, sir; he was there, afterwards.

Q. Before you got your license? A. Yes, sir.

Q. Did you have any conversation with him then? A. Yes, sir; I told him I had forgotten to send the bottles of brandy around to his house.

Q. Did you give him any money the second time that he came?
A. Yes; \$2.

Q. Did you send him anything then? A. No, sir.

Q. You did not send him anything at any time, then? A. No, sir.

Q. Did you see him again? A. Once more I saw him.

Q. Was that before you got your license? A. Yes; before I got my license.

Q. What happened then? A. I told him I would give him something the next week, but I was sure that I would have my

license by the next week, and when I had it, when I had my license, he did not come again.

Q. When you came back from Europe the second time, you bought a concert hall at 119 Essex street, did you not? A. Yes, sir; at 119 Essex street.

Q. How long did you run that? A. About six months.

Q. Did you see anything of the excise inspectors there? A. Yes, sir; I did, one day; I am not sure of his name; I guess it was Mr. Morris.

Q. What happened between you then? A. He squeezed me like a lemon; he was the meanest fellow I ever saw; I gave him money and money again; I could not tell you how much; one time he came in and wanted to send a letter to the board of excise that I was no citizen, and had no license, and that he would have me arrested; and he told me to come down in a cigar store in Broome street.

Q. Where was that? A. I don't know now, but I have been there, and he says, "If I am not there in that cigar store, drop an envelope and put the stuff in it."

Q. Did you go there to the cigar store? A. I was there.

Q. Did you see Morris there? A. Yes, sir; I met him once.

Q. How many times did you meet Morris altogether? A. He used to come three times every week, and he used to come in with a friend, one of these bums, and never pay for a drink.

Q. How many times did you give him money? A. Six or seven or eight times.

Q. How much did you give him at a time? A. Five dollars and \$3.

Q. What did you give it to him for? A. I had a singing place there, and he used to make—he wanted to make me some trouble; my license was all right, but he said, "I will close your stage; I will report you;" he says, "You know I can do a good deal if I make a report that it is all right"

By Senator Saxton:

Q. Was this an excise inspector? A. Yes, sir.

Q. What was his name? A. Green.

By Mr. Jerome:

Q. Did you have any trouble with the Salvation Army while running that place in Delancy street? A. Yes, sir.

Q. What was that? A. They came in one night, and knelt down and began to pray, and I went in and turned the gas down in the room.

Q. What then happened? A. They had to go, but they went to the station-house and made a complaint.

Q. Did you see the captain after that? A. No; he sent around and he said the best thing was—

Q. Who did he send around? A. He sent the ward man around.

Q. Who was he? A. I am not sure whether it was Glennon or somebody else; anyhow, he sent around and said the best thing would be to be on good terms with the Salvation Army, because they might kick too much; he said, "Let them come in the next time and be nice to them and quiet to them, and let them go on and they will then go out; that is the best way," and that is what we done after that.

Q. Did you see anybody else pay any money to any police officer besides what you have testified to yourself? A. I did not, except what I have heard.

Q. When you had your saloon last year, do you remember giving some money to a wardman in an envelope? A. Yes, sir.

Q. How much was that? A. Ten dollars.

Q. Was that one of Captain Murphy's ward men? A. I guess it was the captain.

Q. You give it to the captain himself? A. The captain himself; he was in my saloon.

Q. Captain Murphy came to your saloon at Ninety-fifth street and what avenue? A. Columbus avenue.

Q. What did he say? A. The wardman told me in the afternoon, that the captain would be around to-night and that I would do better to make it all right, as I did not have my license yet.

Q. That was before you had your license? A. Yes, sir; because if I had a license I would not give him anything.

Q. What time did the captain come there? A. About 8 o'clock, or between 8 and 9.

Q. What did he say? A. He said—he was very nice—he said, "You have a nice place here, and you have a German reading-room, it is just the place that we need here;" and went into the private office, and I gave him the envelope; and I said, "I guess that is the kind of letters you like to read."

Q. What did he say? A. Well, he smiled.

Q. How much was there in the envelope? A. Ten dollars.

Q. Did he look at it? A. No, sir.

Q. Was there any address on it? A. No, sir.

Q. What did he do with it? A. Put it in his pocket.

By Chairman Lexow:

Q. You never got it back again from him? A. Never.

Cross-examination by Mr. Ransom:

Q. You never expected to, did you? A. No.

Q. What were you confined in State prison for? A. For straw bail; I claim to-day that I was railroaded there.

Q. No matter what you claim, you were convicted? A. Yes, sir.

Q. How long did you serve? A. Four years and ten months.

Q. For how long a time were you sentenced? A. Seven years and three months.

Q. Were you indicted for any other crime than giving straw bail? A. No, sir; straw bail.

Q. The crime was perjury, was it not; you committed perjury; you swore to a lie, did you not? A. I swore that I had some property; yes, sir.

Q. And you did not have any? A. I had a deed of two houses; it was given to me for that purpose.

Q. You swore that you had some property, and you were indicted for perjury, and you were convicted? A. Yes, sir.

Q. And a sentence of seven years in State prison was given you? A. Yes, sir.

Q. Were you defended? A. Yes, sir.

Q. You had a lawyer, had you? A. Yes, sir; Friend & House.

By Senator O'Connor:

Q. After you came out, out of State prison, did the board of excise grant you a license? A. Yes, sir.

Q. And they certified that you were a man of good moral character in order to give you a license—did they know, at the time, of your previous conviction? A. I do not know.

Q. Did the members of the board of excise or the police in your neighborhood, know of your previous conviction? A. The board of excise did not know it, and they did not ask me.

Q. Did the police know that you had been previously convicted? A. I guess they did not know it.

By Mr. Jerome:

Q. Was not Wardman Smith of Captain Cross in that precinct? A. Yes, sir.

Mr. Ransom.—I think Mr. Jerome should leave the witness alone while I am cross-examining him.

Chairman Lexow.—Yes; go on, Judge.

Q. I asked you if you were defended on this trial for perjury? A. Yes, sir.

Q. By whom? A. Friend & House.

Q. Leading criminal lawyers of this city, are they not? A. Yes, sir.

Q. Notwithstanding their efforts, you were convicted by the jury and sentenced by the court to seven years in State prison? A. Yes, sir.

Q. Have you committed perjury here to-day? A. I have not.

Q. Do you know that if you testify here before this committee to a lie, that it is perjury? A. I know that.

Q. And that you would be liable to be sent to State prison again? A. I know that; there is nothing here for me.

Q. You know that, do you? A. I know that.

Q. You expect people to believe your story here on the stand, do you? A. I do not; I have been almost forced to come here; I did not like to come.

Q. Let us see if you were forced to come; did you ever see Mr. Jerome before to-day? A. Yes, sir.

Q. When? A. About a week ago.

Q. Did you have a long talk with him about what you would testify to? A. Yes, sir; but I begged him not to bring me here.

Q. You did have a long talk with him? A. Yes, sir.

Q. How did he know that you had any facts that you could tell him about this investigation? A. Because, when I read the case of Senator Roesch, I sent a letter to the World.

Q. You sent a letter to Mr. Jerome? A. No, sir; I sent a letter to the World.

Q. I beg your pardon; I understood you to say that you sent a letter to Mr. Jerome; you sent a letter to the World, did you? A. Yes, sir.

Q. And you sent a letter to the World for that purpose? A. Yes, sir.

Q. What was there in Senator Roesch's story that inspired you to come forward with a letter? A. I read that which he claimed was business, and I thought I could give a little business too; I read about the clam-chowder business, and I thought I could give something about business.

Q. Did you have a ticket to a clam-chowder business? A. We had to take a lot of them.

Q. I ask you, did you take a ticket? A. I had five.

Q. You had to pay how much for those five tickets? A. Twenty-five dollars, I had to pay.

Q. Did you pay that to Mr. Roesch? A. No; I sent it around Mr. Ransom.—I move to strike that answer out.

Q. I want you to tell the truth; did you take that to Senator Roesch? A. I sent it around.

Q. You do not mean to volunteer any evidence? A. I do not know what you mean.

Q. You say you were forced down here as a witness; you

did not want to come? A. I did not want to come down here; no, sir.

Q. You say that you did not want to come? A. I did not.

Q. And you wish that you had not come, do you not?

Chairman Lexow.—I do not think that is quite proper.

Mr. Ransom.—When the witness has clearly committed perjury—when he says he came as an unwilling witness; I think I should have the right—

Chairman Lexow.—The fact that he sent a letter to the World does not, by any means, presuppose that he wanted to come here as a witness.

Mr. Ransom.—It seems to me that if he did not want to come he would not have sent a letter to anyone.

Chairman Lexow.—If he had sent a letter to Mr. Jerome or Mr. Goff, it might then be supposed that he was stating that was not so.

Senator O'Connor.—We understand that all these witnesses are tainted; what is the use of wasting time; the witness says that he has been convicted of perjury; but he says that he is telling the truth now; he may have been convicted of perjury and he may be telling the truth now. That is for the committee to judge. I think that, so far as his character is concerned, you have shown it to be as bad as it could be; these are the kind of men that are stained in these practices and it is alleged that the policemen are in cahoot with them.

Chairman Lexow.—We can not expect to get any other class of testimony here, in reference to these matters.

Mr. Ransom.—I have no idea that Sunday school teachers or members of the church are coming here to testify, but I do suppose that, with the grace of the committee, that I would have an opportunity, and the right, to briefly touch upon the character of the witness, to see what his real animus is. That is the reason that I go into this.

Chairman Lexow.—As an aid to the committee, to ascertain whether or not the testimony of this witness is credible?

Mr. Ransom.—Exactly that.

Q. We will pass the general subject of the witness' credibility and his animus under the admonition of the committee.

Chairman Lexow.—No, not at all; you have a perfect right to ascertain whether the witnesses are credible witnesses; we do not want to shut you off in this or any other case.

Mr. Ransom.—Senator O'Connor's comment on the witness' character, and my own, perfectly coincide.

Senator O'Connor.—I say, notwithstanding he may have committed perjury and been convicted of it, he may be telling the truth about this business.

Mr. Nicoll.—The law makes his testimony unworthy of belief, unless it is corroborated.

Senator O'Connor.—Yes; I think that is so, before a jury.

Q. I did not understand your testimony very clearly; I could not hear you very well; did you say that you paid to Glennon \$300 yourself? A. I did not say myself; I said I sent it around.

Q. You did not pay Glennon anything, did you, yourself? A. No; it was just the same; I did not give it to him in hand, though.

Q. Did you personally pay Glennon any money? A. No; I did not, personally.

Chairman Lexow.—He said before that he did not; that he sent it down, and that afterward Glennon admitted that he had received it.

Q. The committee had the advantage of us in hearing the witness; I did not more than half hear what he said; did you swear that Glennon and you had a talk together, after you had sent the \$300 to the station-house? A. Yes, sir.

Q. Where was that conversation? A. Twice; once in the station-house, in his private office, and once at the corner of Chrystie and Delancey street.

Q. Give me the time when you had the first conversation? A. I could not tell you the time.

Q. Can you tell the year? A. Eighteen hundred and ninety-three.

Q. How do you know it was 1893? A. Because he was only there in 1893.

Q. You remember it was 1893, because he was there only in 1893? A. He came later, in about August.

Q. Was the first conversation at the station-house or on the street? A. I guess in the station-house.

Q. You say you "guess it was;" do you mean you think it was? A. Yes; I am sure.

Q. Who was present? A. Nobody; I was in his private office.

Q. Was it day time or evening? A. In the afternoon.

Q. Did you go there by his request? A. No; I did not go by his request.

Q. Did you know that he was there when you went down there? A. No; I had to go down on some other business.

Q. What other business? A. I can not remember what it was; I went down to get his advice.

Q. You went down to get whose advice? A. It was on account of a girl.

Q. Whose advice? A. Glennon's advice.

Q. You saw him then? A. I saw him then.

Q. You said a moment ago that you had business there, but

that you did not remember what it was, but you now recall that it was about a girl and you wanted his advice? A. Yes, sir; I have thought of it since.

Q. Tell me the conversation that you had with him? A. I could not tell you the cause, what it was; I only know he said to me, "You had better let her go."

Q. What did you say upon the subject of money? A. I was talking about the \$50 a month fees; that business is slow, so I said, "I will be only glad that we have got the other thing off;" I meant the \$600.

Q. What did you say? A. I said, "We are glad that we are through with the other thing."

Q. Is that all that you said? A. That is all that I said.

Q. And from that conversation, you now testify that Glennon admitted that he had received \$300? A. Yes, sir.

Q. That is what you mean to say, is it? A. Yes, sir; that is what I mean.

Q. When did you have the next conversation? A. The second conversation was at the corner of Christie street.

Q. What was said then? A. We didn't do much talking then.

Q. Did you meet him accidentally? A. By accident.

Q. What conversation did you have then? A. I think we did not talk much about business.

Q. Do you remember that you talked about anything? A. I always gave him to understand —

Q. No; I ask you to have that stricken out; I want that conversation, if you remember it, that you then had there on Delancey street or Christie street? A. All I know is I always lamented that the business was so slow.

Q. That is all you can say? A. Yes, sir.

Q. Do you remember especially what was said at that time, do you? A. No, sir.

Q. Have you got a good memory? A. Yes, sir.

By Chairman Lexow:

Q. Do you not remember any other part of the conversation? A. Yes; I am positive we did not have much talk; our business was settled before that; it was understood before; he said, "So much I am to get," and he never bothered us further.

Q. When did you have your interview with Mr. Jerome in regard to the testimony that you have given here? A. Last week.

Q. Did Mr. Jerome send for you? A. Mr. Jerome sent a letter.

Q. Sent a letter to you? A. He was up there twice, but he did not find me.

Q. What is your business now? A. I am in the real estate business.

Q. Where? A. I am known by another name uptown and not known by the name of Karl Werner and would not tell you the name I am known by.

Q. You are not known as Karl Werner any more?

Chairman Lexow.—He does not want to tell the name under which he is now doing business?

Q. What is your true name? A. This is my true name, Karl Werner.

Q. But you are now sailing under another name? A. I am doing an honest legal business under another name.

Q. Are you trying to reform? A. Yes, sir.

Q. You hope to be a good man? A. Yes, sir; that is what I am trying to be now.

Q. What did you say to Mr. Jerome? A. I said to Mr. Jerome—he knows my home and everything.

Q. By that, you mean he knows the name that you are going by now?

Mr. Jerome.—I have been to his place.

Senator O'Connor.—You are really establishing the witness' good character. He says he is trying to reform; he is very frank; he has told what he has been engaged in.

Mr. Ransom.—I have no desire to establish his bad character.

Senator O'Connor.—Your examination is strengthening his story in my mind.

Mr. Ransom.—I am here really, not to attack this witness' character, nor am I here to conceal from the committee anything that may be said, whether it is whitewash or whether it is substance which may rehabilitate this witness either in his own estimation or the estimation of the public or of the committee, but it seems to me that it is pertinent that I should inquire as to the man's present business. I have now got that, and that he is going under some other name and trying to be good. I hope the influence of the Salvation Army, when they held their prayer meeting at his place, has lasted up to this time.

Chairman Lexow.—Are you through with the witness?

Mr. Ransom.—No.

Q. You testified that Captain Murphy came to your saloon and you gave him an envelope with \$10 in it? A. Yes, sir.

Q. You also testified that the wardman told you that he was coming? A. Yes; I have a witness to that.

Q. You do not need any corroboration, do you? A. You seem to doubt me.

Q. Do you mean that somebody was present, when you gave che \$10 to Captain Murphy? A. Yes, sir.

Q. Who was present? A. I had the envelope ready for my barkeeper.

Q. Who was present when you gave the \$10 to Captain Murphy? A. Nobody, but I showed it to my barkeeper before I gave it.

Q. You mean you told your barkeeper that you were going to do it? A. Yes, sir.

Q. There was nobody present when you gave it to Captain Murphy? A. I told the barkeeper I was going out, and if I am not here, you give him this envelope. .

Q. You say nobody was present when you gave the envelope to Captain Murphy? A. No; not when I gave him the envelope.

Q. Nobody heard what you said to Captain Murphy, or what he said to you? A. No; nobody..

Mr. Ransom.—It is suggested by my associate that I ask the witness one question.

Q. Are any criminal charges pending against you now? A. No criminal charges against me.

Q. Not that you know of? A. No, sir.

Q. Are there any indictments against you that you know of? A. No, sir; if there were any, I would not come down here I would be hiding away.

By Mr. Jerome:

Q. How did you come to sign this bond in the district attorney's office?

Chairman Lexow.—It does not seem to me that we can go back of the conviction of the jury.

Mr. Jerome.—I wanted to show that the man was taken into a saloon and was intoxicated and then taken into the district attorney's office.

The Witness.—Judge Martin said to me, "Tell me the truth; there is somebody behind you, and if you do tell the truth, I will work leniently with you," but I did not do it. If I had done it I would never have had such a sentence. There were four of them in positions now that ought to be in State prison; two of them in the district attorney's office and they ought to be in Sing Sing.

By Mr. Nicoll:

Q. What district attorney prosecuted you? A. Mr. Martin was in at that time, and you went out; I guess you are Mr.

De Lancey Nicoll, ain't you, and Mrs. Schaffner went to see you, and when she told you the whole story, you promised her faithfully that you would do the best you could to get me out.

Q. Who was the district attorney? A. Mr. Martin.

Q. Who was the assistant who prosecuted you? A. I don't know.

Q. You do not know? A. I think it was Mr. Purdy, but I am not sure; but as soon as you touched the papers you dropped them like hot iron; I think you were in Wall street; you dropped them like hot iron before you found the whole office was mixed up in the case; when you found the district attorney's office was all mixed up in it, you would not have anything to do with it; and so did Peter Mitchell say the same, and he dropped it.

By Chairman Lexow:

Q. You said, in the course of your examination, that you understood that first you would have to pay for protection; what I want to know how is, whether or not from your knowledge of the business carried on by people who were engaged in that occupation of keeping houses of ill-fame, whether those that you knew, before going into the business, had the impression, that they must pay for protection? A. I know that.

Q. That was an accepted fact? A. Yes, sir; that you can not run a house for two nights without doing your duty.

Q. By "duty" you mean by paying money to the police force? A. Yes, sir.

Mr. Nicoll.—Is the committee going to let this perjurer prove as an accepted fact such a thing as that?

Chairman Lexow.—I want to know the general idea of people going into that business.

Mr. Nicoll.—To prove the common understanding by an ex-convict and perjurer such a thing; the community ought to be ashamed to accept such proof.

Chairman Lexow.—You ought not to use that language before the committee. If you are willing to admit before this committee that that is the common understanding of the business, we will not inquire further.

Mr. Nicoll.—I did not say that the committee ought to be ashamed, if it so understood me, I said the community. A gentleman from the Evening Post suggests to me that the witness testified something concerning myself, which I did not hear.

Chairman Lexow.—Senator Bradley repeated it, which was to the effect that you took up these papers when you took the district attorney's office —

Senator Bradley.—No; it was not that.

Mr. Nicoll.—I was assistant district attorney at the time, under Mr. Martin, and Mr. Purdy was also an assistant, and this man was convicted—

Chairman Lexow.—Well, whatever was said, there is nothing in it.

Senator O'Connor.—He stated virtually that the case was so obnoxious to you that you did not want to have anything to do with it.

Chairman Lexow.—That is all.

George W. Winterburn, called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Are you a physician? A. Yes, sir.

Q. Where is your office? A. No. 230 West One Hundred and Thirty-second street.

Q. Did you have an experience with a police officer, No. 1052? A. I did.

Q. When? A. On the 1st of July, 1891.

Q. Where did you live then? A. At 328 West Twenty-first street.

Q. Will you state the experience in your own language? A. I was sitting at the front window of my office, about 6 o'clock in the evening, and I noticed a patrolman in uniform coming down the street from Ninth avenue, swinging his club, and when he got in front of a saloon, which, I think, is about 337 of that block, the proprietor was leaning against the lintel of the door, and the policeman stopped and they had a conversation, and I noticed that he lingered there a very long time; in fact, he was standing there for more than half an hour, and I was sitting at the window, as one will, on a summer evening, and I noticed that he stood there a long time, and wondered why a policeman on duty should remain so long in front of liquor saloon; after he had been standing there some time, half an hour or more, he pushed open the green flap-doors and went inside, which seemed still more extraordinary to me, and he remained in there about 20 minutes; as he came out, as they got to the door, I saw the man shake hands with him; I recognized him by the sleeve of his shirt, which was red, I think; I did not see the person, but I saw the hand come forward, and the two men shake hands, and the man came out with his left hand closed; the policeman did, and he walked up the block, swinging his club, and just as he got

opposite my window, apparently, he thought he had got far enough —

(Objected to.)

A. Away from the saloon, and he opened his hand in this way, and he counted out three or four bills, and transferred them to his hip pocket, and he then walked up the block again to the next corner, at Eighth avenue, where he went into the private or family entrance of that saloon.

Q. Was that the same saloon? A. No; at the other corner, the corner of Eighth avenue; I thought that was such a singular proceeding altogether that I put on my coat and hat and walked up to the corner and went into the saloon, and saw the man standing against the bar.

Q. You saw the policeman standing there, you mean? A. Yes, sir; the policeman; and I took his number.

Q. What was that number? A. No. 1052; I then went down to the police station, the Sixteenth precinct, on Twentieth street, and spoke to the sergeant at the desk.

Q. Do you know who that sergeant was? A. I do not know his name; he was a handsome man; I think he was called the handsome sergeant.

Q. What age would you judge him to be? A. Probably 35 years of age.

Q. What was his probable weight? A. One hundred and ninety or 200 pounds; rather a large-sized man.

Q. What was his complexion? A. Dark.

Q. How did he wear his hair or whiskers? A. I could not say about that.

Q. Do you remember the time of day it was? A. It was then about 20 minutes past 7 in the evening.

Q. You have given the day and date of this occurrence, have you not? A. Yes, sir.

Q. Go on, now, and state what you said to the sergeant, and what he said to you? A. I asked the sergeant if there was a patrolman connected with that precinct 1052, and he said he thought not; I said I would like to know particularly, and he said, "Why;" I said I wanted to know; he then turned to a book, which I could not see; it was lying on the desk, and he fumbled with it some little time, three or four minutes, and finally said there was no such man connected with the precinct; I said, "If there is not, then there is a man wearing that shield with that number who is wandering around in this precinct, visiting liquor saloons and he is now, in the saloon on the northwest corner of Eighth avenue and Twenty-first street, unless he has left there within the last three minutes.

Q. When you asked if policeman 1052 was in the precinct, did you give him any idea of what business you had with 1052? A. No, sir.

Q. What was your manner in making the inquiry; was it mild and gentle? A. I presume so, I do not know; I think naturally, I am mild; I did not wish to irritate him, certainly.

By Senator Cantor:

Q. You kept a mild exterior, did you? A. Yes, sir.

By Mr. Moss:

Q. Was there anything in your demeanor that would lead or cause the sergeant to imagine that there was trouble between you and officer 1052? A. I think not from my demeanor; but naturally from the inquiry it would.

Q. You spoke to the sergeant and told him that the officer was in the saloon; what did he say then? A. He then called a man from the rear part of the room and said go up and bring that man in, and he then turned around from me; I think he was reading a paper, and I said "I want to make a complaint against that man; I want you to take it down in writing; he then opened the book, which I presume was the blotter, a large book, and began to write, what I said; I then told him this whole story from the beginning of the man going into the saloon; of his taking this money; of his coming out and visiting this second saloon, and I handed him my card and told him I was willing to appear at any time that I was wanted; I then left and went about my business; I had several calls to make that evening, and returned to my house a little after 10 o'clock that same evening; I found this same policeman 1052 there at my house waiting for me, and he asked me if I had made a complaint against him; I said that I had; he said, "Are you sure it was me;" I said, "It was a man wearing the same shield or that same number and of your appearance," and he says, "You are mistaken as to the number;" I said, "No, I am not;" and he said, "Yes, you are, I know who it was, but it was not me;" I said it was policeman 1052 and there is no mistake about the number; for I was within three feet of you and wrote the number down at once so I would not forget it, and went directly to the station; he then blustered considerably; I do not remember the exact words, but the effect of it was that he endeavored to frighten me out of the fact that he was the man, and I admit that was a very large man and he had a long night stick and I felt about as small as a mouse in the lobby with this man who was then really considerably under the influ-

ence of liquor and when he found I was not to be frightened, he began to plead with me, he changed his entire manner; he said that he had gone into the saloon, but the man had not given him any money; that I was mistaken in that; I should not have thought anything of his taking the money, one man may pay another money; but from the fact of his denying it; then he went on to say that he had lost a child the week before and was all broken up and that was the reason he went in to get a drink; I said it was no honor to his child to make a brute of himself by drinking because the child was dead; that he ought to respect the child's memory and not lower himself by drinking, and he talked that way with me a little while, and then he said, "You won't do anything will you," and I said "I made the charge and if I am called upon I will appear; I shall do no more in the matter, because the complaint is already in, but whenever I am called upon I will appear, and say what I saw;" he then again became angry and threatened me that if I appeared against him that he would do me up; he said, "You can't do anything with me but have me fined one or two days' pay, but if you show up against me, I will do you up;" just at that time the roundsman came along and spoke to him and he went off with the roundsman.

Q. That was in 1891, was it? A. Yes, sir.

Q. Have you ever been called upon by any policeman from that time to this, to prove your charge? A. No, sir; I have not.

Q. Nor by the sergeant? A. No, sir.

Q. Nor by anyone in connection with the precinct? A. No, sir.

Q. Nor from anyone at police headquarters? A. No, sir.

Q. So far as you know, the charge remains there still? A. Yes, sir; so far as I know.

Q. Did you ascertain whether No. 1052 belonged to that precinct? A. I was told afterward that he was the regular patrolman on that beat.

Q. Did you have some experience with building incumbrances upon your sidewalk, in front of your building? A. I did; yes, sir.

Q. State that matter briefly—did you make a complaint? A. I made a number of complaints; they ran together for months, from the time they began to tear down the old building, until the other one was plastered.

Q. Speaking of the first complaint, where the policeman went into the building with the man who was making the structure; I refer to that occasion? A. That was hardly a complaint; I have made complaints before that.

Q. Well, I am speaking of that particular occasion? A. One day I did complain about the front of my walk being all covered up with building material, which was put there not for a day

or two, but the same material was left there for more than three weeks; I went around and saw the captain, who, by the way, was very courteous, indeed, to me, and he said —

Q. Who was he? A. I do not know his name, but he sent a man who was known there as the captain's man; I think his name was Dougherty; he came to my office in reference to the complaint, and I said, naturally, where there was a building being put up; there was a certain amount of annoyance to be expected and litter upon the sidewalk, but this man had been exceedingly careless and this thing had been going on for months, and I said it must be stopped, and he went out and met the builder in his place, and he was apparently very gruff with him; that was his manner.

Q. State what he said to him? A. I can't say that, but I can speak of his manner as that of —

Q. Laying down the law to him? A. Yes; laying down the law, and the man made a motion like this (illustrating), and they went inside of this building that was being put up and remained there out of my sight for five or six minutes, and when they came out they were hail fellows well met; they were laughing and were apparently the best of friends and shook hands and the captain's man went away and the bricks remained.

Q. The incumbrance was never removed? A. It was removed when they wanted to use it, but not until then.

Q. There was no redress for you? A. No, sir.

Q. Have you observed the stands kept by the Italians, the fruit dealers in that neighborhood? A. Yes, sir; very often.

Q. Had you a conversation with the keeper of one of those stands? A. I have had with several.

Q. I am speaking of one especially which led to the conversation where the subject of protection was spoken of.

(Objected to.)

Chairman Lexow.—Are you going to connect the officer with this evidence?

Mr. Moss.—I want the name of the street vendor, and I want to know if there was a conversation concerning protection.

Mr. Nicoll.—We want the name of the Italian.

Q. Give the name of the Italian or his location? A. I do not know his name; his stand is well known here; I do not know what it is kept now by the same Italian; it is on the corner of Twenty-first street and Eighth avenue; the southwest corner, and the reason why I complained about it was because the stand projects nearly the width of this railing beyond the stoop line; it was originally built out to the stoop line, and for several years, each spring, the man would add to that six inches or so beyond, and he has a chair there in which he himself sits; this

was two or three years ago, and he would have two or three of his Italian friends sitting around of an evening on chairs, and I have seen ladies have to go out beyond the gutter to get past this Italian stand; I have seen that several times, and I went myself to the station-house and complained against the occupation of the stand in this way.

Mr. Nicoll.—He has not told his name yet.

A. I do not know his name, but I had a conversation with him one day.

(Objected to.)

Mr. Moss.—I have asked for the conversation.

Chairman Lexow.—Are you going to connect it with the officer?

Mr. Moss.—In the first place I am going to prove a matter of general rumor, concerning the occupation of the sidewalk by people of this class.

Senator Cantor.—You have already proven about that particular stand.

Mr. Moss.—Yes; but the conversation concerning the method and the way in which such obstructions are allowed, I have not yet proven.

Senator Lexow.—I think you will have to call the keeper of the stand to prove that.

Q. Did the conversation refer to the manner in which he had protection and the right to keep his stand there? A. He told me—

Q. No; answer the question; did you have a conversation?

A. Yes.

Q. Did the conversation have reference to the protection he had in keeping his stand there? A. Yes, sir.

Q. Did it have reference to a general custom among such people?

Objected to.

By Senator O'Connor:

Q. I will ask the question; is it not understood generally that they have to pay a consideration for being allowed to obstruct the street in the way that you have described? A. Yes; I have heard such things stated.

By Chairman Lexow:

Q. All you know about it is what you have heard? A. Yes, sir.

Q. You have nothing to do with that class of people, particularly? A. No, sir.

Mr. Moss.—I will drop that branch of the examination.

By Mr. Moss:

Q. Did you have a conversation with the police officer, referring to the arrest of such people? A. I did; in regard to making my complaint.

Q. Who was the officer? A. I do not know; it was a man who was patrolling the Eighth avenue side of that district.

Q. What was the conversation? A. He was a young man, and a very nice appearing man, that was the reason I got in conversation with him; I said to him, "How is it you allow such nuisances as this on your beat?" he says, "We can't help ourselves;" I said, "Why don't you report it; don't you know it is a violation of the law?" he says, "I know it is, but we soon learn not to see such things;" he said, "If I would report these things, I would be bounced.

Cross-examination by Mr. Nicoll:

Q. Are you a member of the Harlem Republican Club? A. I am.

Max Deutsch, a witness called on behalf of the State, being duly sworn, testified, and interpreted by the chairman:

Direct examination by Mr. Jerome:

Q. How old are you? A. Twenty.

Q. Where do you live? A. One hundred and thirty-five Third street.

Q. What is your father's name? A. Philip.

Q. Where is he now? A. In Europe.

Q. In 1892 did you work for your father? A. Yes, sir.

Q. Whereabouts? A. Two hundred and fourteen Sixth street.

Q. What did your father have there? A. A coffee saloon.

Q. Did he have girl waiters there? A. Yes, sir.

Q. Who was the wardman in that precinct? A. Hoch.

Chairman Lexow.—This is in the same precinct as the other testimony; is it necessary to go any further into this?

Mr. Jerome.—It is the Fourteenth precinct.

Chairman Lexow.—It seems to me, as one of the committee, that the accumulative evidence in regard to Hick, forecloses any question on his part; there is no question about his guilt before this committee.

Senator Cantor.—We have sufficient information to predicate legislation against Hock.

Mr. Jerome.—I will make it brief.

Q. Did you pay Hock any money? A. Yes, sir.

Q. How many times? A. I paid him four or five times; Captain Doherty was captain at that time, I should think.

Q. How much did you pay him ? A. At first we paid him \$15, and then \$25.

Q. What did you pay him for ? A. Because we did not have a license.

Q. Did you sell liquors ? A. Yes, sir.

Q. Did you see the captain at any time ? A. We never saw him.

Q. Did you have any talk with Hock about the captain ? A. No; we did not.

Q. Did you move from that place and take a new coffee saloon ? A. Yes, sir; we did.

Q. Where was the new place ? A. In Fourth street.

Q. What number ? A. Fifty-eight.

Q. Did you sell liquor there ? A. Yes.

Q. Did you have a license ? A. No.

Q. Did you see the wardman there ? A. Yes.

Q. What was his name ? A. Hock.

Q. The same Hock ? A. Yes.

Q. You kept on paying him money there, did you ? A. Once only; \$25.

Q. Do you know Mr. Leustick ? A. Yes, sir.

Q. Who keeps the place on St. Mark's place, near Third avenue ? A. Yes, sir.

Q. That was a coffee-house, too, was it ? A. Yes.

Q. Of the same kind ? A. Yes, sir.

Q. And a man by the name of Rosenthal, 214 East Sixth street; do you know him ? A. Yes, sir.

Q. And David Cratina, on Second avenue, between Fourth and Fifth streets ? A. Yes, sir.

Q. And Forrest, on the east side of Second avenue, between Fourth and Fifth streets ? A. Yes, sir.

Q. When Captain Cross came in that precinct, did your father and all these persons I have mentioned go up to the station-house one night to see Captain Cross ? A. Yes, sir; but I was not present; my father told me about it.

Q. Is there a Mr. Schwartz, on Fifth street, who keeps "The Black Eagle ?" A. Yes, sir.

Q. Do you know of any other of those places, paying money to any one ? A. I can not say of my own knowledge, but I have heard of it.

Q. Are all those places that I have mentioned, places without a license ? A. With the exception of two, none of them have licenses; the exceptions are Cratina and Forrest.

Q. Rosenthal and Schwartz are here in court ? A. Yes, sir.

Mr. Ransom.—We have no questions.

Max Rosenthal, a witness called in behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

- Q. Did you keep a coffee-house? A. Yes, sir.
 Q. With girl waiters? A. Yes, sir.
 Q. Where about? A. The first time at 6 St. Mark's place.
 Q. Where, next? A. Now, on Fourth street.
 Q. Do you know Mr. Charles Buser? A. Yes, sir.
 Q. He supplies you with beer? A. Yes, sir.
 Q. Do you know Wardman Hock? A. Yes, sir.
 Q. No doubt you paid money to Hock? A. No, sir.
 Q. You did not pay him any money? A. No, sir.

By Chairman Lexow:

- Q. You never paid money to Hock? A. No, sir.

By Mr. Moss:

Q. Hock evidently overlooked you, then; did you hear the testimony of Mr. Buser the other day? A. I read it in the paper.

Q. Do you know that Buser testified to a conversation with you in which you told him that you paid a sum of money, \$15 a month? A. Never did I tell that to Buser; I told him in a business way.

Q. That was business, was it not? A. No; I took beer from him; that is my business.

Q. Did you have an excise license? A. No.

Q. What did you sell in your coffee-house? A. I got beer for myself.

By Chairman Lexow:

Q. You did not sell any? A. Sometimes to good friends of mine.

Q. Did you give it away? A. No; I got some money.

By Mr. Moss:

Q. How much beer did you buy from Buser each week? A. I think four cases; four boxes.

Q. How many bottles in a box? A. Twenty-four.

Q. Did you ever see this man before, Mr. Whitney (directing a man to stand up)? A. I don't know for sure.

Q. Did you ever see him in your cafe? A. I don't know for sure.

Q. Will you swear you never sold wine or other liquor to Whitney? A. I can not swear.

Q. To Whitney and gentlemen in his company? A. I don't know about that.

Chairman Lexow.—You understand that the only protection that this committee gives you is the protection against any testimony, whereby you swear that you bribed any price to corrupt others? The moment you forswear yourself, the moment you perjure yourself, there is no protection at all for you; you are just as amenable to the law for perjury here as though you were testifying before a Supreme Court or any other judge. Now, we expect you to tell the truth.

A. I will tell you the truth.

Q. If you have committed bribery or paid money to buy offices and you testify to it here, that testimony of yours can not be used against you, and your concession of it here will be an absolute bar to any prosecution against you for that cause. We do not protect, however, any witnesses who commit perjury. Did you not sell liquors and wines, as well as beer in that place? A. Yes, sir; sometimes.

Q. Was not that part of the business? A. Yes, sir.

Chairman Lexow.—The testimony that you give here can not be used against you to indict you, or otherwise.

Mr. Nicoll.—That is not quite so; it is only in the case of bribery.

Chairman Lexow.—It is an absolute bar against any prosecution.

Mr. Nicoll.—Not unless being informed of his constitutional right, he declines to answer the question.

Mr. Moss.—This is the second time that Mr. Nicoll has raised quibbles about the protection accorded to witnesses while on the chair, raising some doubt in the mind of the witness in reference to the matter.

Chairman Lexow (to the witness).—You understand it; all you have to do is to tell the truth, and nothing but the truth.

By Mr. Moss:

Q. You sold wines and liquors there, as part of your business, did you not? A. Yes, sir.

Q. And sold them without a license? A. Yes, sir.

Q. And you were violating the law at the time, and you knew it, did you not? A. Yes, sir.

Q. Did not the police in that precinct come to your place and call your attention to the fact that you were violating the law?

A. Yes, sir.

Q. What did you do when they came and told you that you were violating the law? A. I was four times arrested.

Q. Hock came around to see you, did he not? A. Sometimes he looked over the business, to see what I was selling.

Q. What else did he do? A. Nothing else; he looked over the business to see if I sold liquors.

Q. Did you pay him money? A. No, sir.

Q. At no time? A. No, sir.

Q. You had girls there that served the coffee and other things? A. Yes, sir.

Q. Sometimes they took men into the back room, did they not? A. I had a small garden there.

Q. If they bought a bottle, the girls could take a man in the back room, could they not? A. Certainly; I have one room, too.

Q. Was there a place connected with your cafe with reference to girls, where the girls and the men could be by themselves? A. There was a store, and the kitchen, and all the rooms were connected.

Q. They could go and be by themselves when they bought a bottle of wine? A. They could go to any part of the house, if they did not want to stay in the store; they could sit in the rear part.

Q. Did Hock ever see the girls sitting with men in the place there? A. Yes, sir.

Q. Was wine before them? A. I don't know.

By Chairman Lexow:

Q. Will you swear he did not? A. I don't know for sure.

Q. Was there any card-playing at your place? A. Yes, sir, last year.

Q. Do you remember a man losing some money or claiming to lose some money, and making some trouble about it? A. No.

Q. Was there not a man who claimed to have lost \$750 there? A. Never.

Q. Were you not arrested upon such a charge? A. On what?

Q. On the charge that a man had lost \$750 in your house? A. No, sir.

Q. You have never been arrested on such a charge? A. No, sir.

By Senator Saxton:

Q. Have you ever been arrested on a charge for any amount being lost in your house? A. No, sir.

Q. If you did not pay Hock any money, who did you pay? A. I did not pay anybody.

Q. Did you ever see the captain of the precinct? A. I do not know; I was not in the station-house.

Q. You never went to the station-house? A. I never was there.

By Chairman Lexow:

Q. You say you have been arrested four times; were you not taken to the station-house then? A. Certainly.

Q. Then you have been there? A. Certainly; but I never saw the captain.

By Mr. Moss:

Q. Did you ever see any other ward man besides Hock? A. The new ward man.

Q. Who was that? A. Mr. Lang and Mr. Taylor.

Q. Have you paid either of them money? A. No.

Q. Are you running that coffee-house now? A. Yes, sir.

Q. Are there girls in it now? A. Yes, sir.

Q. Are you selling liquor in it now? A. No, sir.

Q. Have you a license? A. A United States license.

Q. Any excise license of this city or county? A. No, sir.

Q. Are you selling any beer? A. No.

Q. What need had you of a United States license? A. I got it from the old place and then when I moved, they sent me from the United States office, that I must take it out.

Q. What became of the four cases when you were arrested? A. That was on excise laws.

Q. What became of those cases — you were arrested and taken to the station-house? A. Yes, sir.

Q. Where did you go then? A. Then the next day I went to the Essex Market court.

Q. What happened there? A. I was put under \$100 bail.

Q. In each of the four cases? A. Yes, sir.

Q. What date was the first case? A. The first case was about three years ago.

Q. And the last case was what date? A. The last case was three months ago.

Q. Have you been indicted on either of those cases? A. What do you mean?

Q. Has the grand jury indicted you? A. I never was before the grand jury.

Q. You have never been tried on either of those cases since you were at the Essex Market court? A. Yes, sir; at Special Sessions.

Q. Which case was that? A. The first one and all four of them.

Q. What was the result? A. I paid \$25 fine every time.

Q. Were they for selling liquor on Sunday? A. No, sir.

Q. They were for selling liquor without a license? A. Yes, sir; and I was fined.

Q. Is that the case with each of the four? A. Yes, sir.

By Chairman Lexow:

Q. Each of the four complaints were for the selling of liquor? A. Yes, sir.

Q. The sale of liquor without a license? A. Yes, sir.

By Mr. Moss:

Q. Who was the ward man who arrested you? A. The first and second time it was Meyer.

Q. Did Meyer or anybody see you before you were arrested? A. No; they came in and asked for a bottle of beer.

Q. Did anyone see you before you were arrested? A. No.

Q. Who arrested you the other two times? A. Cohen and Schindler.

Q. They are the present detectives, are they? A. I do not know.

By Chairman Lexow:

Q. Has anybody approached you before you appeared on the stand here, about your testimony? A. No.

Q. Has anybody told you before you were subpoenaed as a witness here, that if you gave any testimony about bribing the police that the excise charges would be pressed against you? A. No; I read it in the paper two days before I got this paper, that my name was taken, and then I told my wife I have got to go before the commissioners; that is all that I know.

Q. Nobody has approached you at all? A. No.

By Senator Bradley:

Q. From the time you opened the place, until the present time, you never paid any officer a dollar for the privilege of keeping open? A. No, sir.

Q. Did you ever hear of a man called Tom Pepper? A. No.
Chairman Lexow.— That is all.

Jacob Schwartz, a witness called on behalf of the State, being duly sworn, testified as follows, and interpreted by Senator Lexow:

Direct examination by Mr. Moss:

Q. Do you keep a cafe? A. A cafe and restaurant.

Q. It is known as the "Black Eagle?" A. Yes, sir.

Q. What is the number of your cafe? A. Three hundred and twenty-five Fifth street.

Q. Do you keep girl waiters? A. Only one, behind the counter.

Q. You have had others, have you not? A. Previously, I had two; one behind the counter and one to wait.

Q. Were those your own daughters or relatives? A. No; they were not relatives of mine.

Q. Have you an excise license? A. No.

Q. Do you sell beer and liquor? A. No.

Q. Have you had an excise license? A. No; I made application, but it was refused.

Q. Do you know Mr. Buser? A. Yes, sir.

Q. Mr. Buser supplied you with beer, did he not? A. He never sold me a bottle of beer in his life.

Q. Who did sell you beer? A. I never bought a bottle from him in my life.

Q. Who did sell you beer? A. I have bought beer from another man, but not from that man; I bought from Mr. Frank.

Q. Did you sell that beer in your cafe? A. No; I am selling weiss beer; not spurious weiss beer, but real weiss beer.

Q. Have you had any conversation with Mr. Buser? A. I have never had anything to do with him; but I have spoken to him, and that is all.

Q. You and Buser live in the same house, do you not? A. Yes, sir; we live in the same house.

Q. How often do you see Buser? A. Sometimes 10 times a day; he passes by me all the time.

Q. And you never talk as you pass by? A. Very seldom, do we talk.

Q. Do you not remember telling Mr. Buser how much you paid a police officer? A. It is not true; I never said any such thing.

Q. Did you not ever owe any money to Mr. Hock or any other policeman? A. My house has always been a respectable one; I have been there two and a half years, and I have never been pulled.

Q. You never had any trouble at all with the police? A.

No; there never has been a complaint from any neighbors or any other person against me.

Q. You have never been arrested for violating the Excise Law, then? A. I was arrested as soon as I started my business by Captain McCullough, was discharged at Special Sessions.

Q. Who arrested you? A. A large, stout German; I have read recently that he has gone to Europe.

Q. What is his name; if you have read that he went to Europe, you must know his name? A. I don't remember his name.

Q. Will you tell me the names of all the police officers who have been in your cafe within the last two years? A. Meehan, Meyer, Hock, Malone, Lang and Taylor, who were in recently to see how my place looked.

Q. What did Meehan do? A. He came to look around, to see whether I was keeping a respectable place.

Q. What did he say? A. He asked me how many girls I had and how many rooms and whether I rented my rooms and whether I kept a respectable house, and I told him my house was respectable, and that is all.

Q. How many times has Lang been in the place? A. Lang came in company with Captain Cross and he looked over my place and examined it and told me that I must draw the curtains before the windows and not have the thing open.

Q. Who told you that? A. Captain Cross.

Q. Captain Cross told you to draw the curtains across the window? A. Yes, sir.

Q. Why did he tell you that? A. He said to me that I must not keep any girls and should keep within the law or else he would be compelled to pull me.

Q. Why did he tell you to put the curtains across the window? A. He gave orders to every one of the cafes to do that.

Q. How many cafes are there running now? A. He did not tell me that; I saw myself that the same thing was being done in each of the other cafes.

Q. How many cafes are running at the present time? A. I know of five, personally.

Q. Do they all have girl waiters? A. Yes, sir; I believe they all have.

Q. And have they all curtains in the windows? A. Yes, sir; every one of them had to put up curtains.

Q. And those curtains shut off the view from the street? A. That is a mistake; the curtains are not to be drawn close, but are to be left open, so people can look into the cafe from the street.

Q. Why then are curtains compelled to be put in the windows at all? A. The curtains were all there and were originally kept

closed and they ordered that the curtains should be open; so that they could look in from the street.

Q. Have you a Federal excise license; or a Federal license? A. Yes, sir; I have to have that.

Q. Why do you have to have that? A. I was compelled to take out a Federal license.

Q. Who compelled you to do that? A. A gentleman from the revenue service came to me and said you must take a license, I said I did not sell any spirituous liquors, and he said that don't matter, you have got to take out a license and pay \$25 for it.

Q. That is a liquor license? A. Yes, a retail license.

Q. Did any excise inspector from the city excise department ask you to take out a license? A. Never from the city.

Q. Have you that Federal license posted up in your place? A. I have it in my showcase.

Q. In plain sight? A. Everybody can see it, but I don't have it there especially for everybody to see it.

Q. Did you sign a written application for that license? A. Yes, sir, I had to.

Q. And in that application you state that you want to sell liquor, do you not? A. I did not understand English; I was told simply that I must have it, and, therefore, I signed the thing and got it.

Q. Do you know any excise inspector from the city? A. I know three, but I don't know their names; they came to me when I made application for a license first.

Q. Have you paid any money to either of those inspectors? A. I swear that I never paid them a single dollar.

Q. Have you paid anyone in the police department, any police officer any money, since you have been keeping that cafe? A. I never did, and it was not necessary, because I always kept within the law.

Q. You say you always kept the law in regard to the Excise Laws as well as anything else? A. So far as I know, I have never broken a law since I opened the cafe.

Q. Look at Mr. Whitney (man standing up); did you ever see him before? A. No, sir.

Q. Will you swear that Mr. Whitney, in company with other gentlemen, never came into your cafe within the past year? A. So many people come into my place that I can not swear that one or another were not there; I can not even swear that persons with others did not drink wine or spirituous liquors in my place within the last year.

Q. But you said you did not violate the law there? A. I say that I did not; somebody in my absence may have sold wine.

Q. I ask you if wine and liquor was not sold to Mr. Whitney and a gentleman in his company, in your presence, in your cafe? A. I simply can answer to that only that I don't remember; I won't swear that it did not occur.

Q. Will you swear that girls in your cafe did not solicit Mr. Whitney and gentlemen with him in your presence, after they had taken a bottle of wine, to go upstairs, or to go into the back part of the cafe? A. I swear that it never occurred in my presence; I can not swear what occurred when I was not there; they never went in the rear nor upstairs.

Q. Will you swear that girls in your place did not solicit men for immoral purposes, Mr. Whitney among them? A. I do not have rooms upstairs, so that disposes of that part of the thing; there was nothing in the rear part of the establishment, either, for any immoral purposes.

Q. Did you, yourself, request Mr. Whitney to buy a bottle of wine and take a girl into the back part of the cafe? A. No; I am positive that that did not occur; I am absolutely positive of that.

Q. And if Mr. Whitney and persons who were with him swore to that do you mean to say that they swear to what is untrue?

Mr. Lexow.—That is a conclusion.

Senator O'Connor.—It is quite evident that you can not get this witness to admit any violation of the law.

Q. Do you remember when Mr. Parkhurst raised the disturbance in your precinct and that there was great excitement among the cafes? A. Yes, sir.

Q. Did you say to Mr. Whitney and another gentleman who was with him that you would have to serve lager beer as weiss beer, that you had been so ordered to do by the captain? A. I swear positively that no such thing occurred.

Q. Where do you live? A. Five hundred and twenty-five Fifth street; in the same house, not upstairs, but in another department, on another story; the yard is between the restaurant and the place that I live—here is the store and from the store you go out into the yard and on the right-hand side here, are rooms and apartments, and I have my bed and sleep there; the girls never slept there.

Q. How many beds have you? A. Two; one for myself and one for my wife.

Recess.

AFTERNOON SESSION.

June 13, 1894

Present—Senators and counsel as before.

The Chairman.—Mr. District Attorney, if you desire to make a statement the committee will be glad to hear you.

District Attorney Fellows: Mr. Chairman and gentlemen of the committee.—I have thought it proper as district attorney to confer with you before making any public statement in regard to a transaction which occurred first before the committee and subsequently in court a few days ago, and which led to the discharge of a person, the dismissal of an indictment; because I find that a false impression is created with regard to the action of the district attorney. The impression has gone out that every prisoner under indictment who came before this committee and gave testimony which seemed to implicate officials of the police force, or otherwise, would thereby escape punishment. I want to correct that impression. The district attorney, of course, can never consent to dismiss indictments in a wholesale way and to invite a general jail delivery by reason of the fact that witnesses come here and testify. The district attorney is perfectly willing to judge each case upon its own merits and to do just exactly what is right and proper, but it must not be understood by those who are under indictment that the mere fact of going before this committee and giving testimony before this committee will lead to a dismissal of the indictment. That would be the opposite of everything like the administration of justice, and I am very much gratified to know that the committee very largely agree with me in that opinion. I have deemed it best to make that public statement, because I have received from the Tombs information that a number of prisoners are expecting that if they will give testimony they will be relieved of punishment without any further investigation. It is an open invitation, of course, to perjury, and the committee certainly do not wish that any such understanding shall prevail; and I have thought it only fair and proper that the criminal officer of the county should confer with the committee and should make his public statement.

The Chairman.—The committee, through me, beg to say that in their unanimous judgment they do not wish that any action of theirs shall prove an incentive to perjury; that if any witness performs a public duty by testifying before this committee, and the punishment already meted out seems to have been a full punishment, as the case of the witness who was discharged, that in such a special case of that kind that might be proper, with the consent of the district attorney. But that there should be a jail

delivery as he result of any testimony given before this committee is as far from the committee's expectation as it must be from that of the district attorney or of the people.

District Attorney Fellows.—I am very much obliged to the committee.

Mr. Nicoll.—Mr. Chairman and gentlemen—when the transaction to which the district attorney and the Chairman referred, occurred, I was in the city of Albany and read in the newspapers that a certain prisoner who was under indictment by the grand jury of this county and who gave testimony before this committee was subsequently brought to trial; that instead of pleading guilty or going to trial upon the indictment, counsel for this committee made a motion before the court that the indictment be dismissed in consideration of the testimony which the witness had given before the committee.

The Chairman.—You are in error there, Mr. Nicoll, are you not? It was in consideration of the special circumstances of that case. She had been in jail two months and her case developed conditions that appealed very strongly to the sympathies of the committee.

Mr. Nicoll.—I only read the statement of Mr. Jerome to Judge Martine in which he asked that the witness be dismissed; Mr. Davis, of the district attorney's office, said he thought it was a very proper motion; Judge Martine concurred, stating that everybody should combine to render such assistance as was in their power to the committee and that, therefore, the indictment was dismissed. When I read that in the papers I foresaw the conditions in which the city of New York is to-day.

The Chairman.—Mr. Nicoll, we realize that fact. I introduced a bill in the judiciary committee of the Senate granting immunity to witnesses who testified before this committee, and that matter was discussed before the Senators. We came to the conclusion that the final result of the passage of that bill would be tantamount to a jail delivery in this city, and that a person who had substantially committed murder might be subpoenaed here as a witness on the question of bribery and corruption and testify to some fact and make a confession of the murder before this committee, and that that bill would have exonerated him from subsequent punishment. For that reason that bill was never brought to a passage.

Senator Saxton.—The position of the committee is that we desire to do everything that will bring out the truth in this matter, but we do not desire to do anything that will be an incentive to perjury.

Mr. Nicoll.—It is not that to which I wish to address my remarks, and very briefly; but it is of the utmost importance that the position of the committee on this question should be clearly defined so that the 4,000 men who constitute the police force of this city may know the exact situation in which they stand. Why, you perceive, the opinion has gone abroad among them that any person whom they arrest who is locked up in jail may at once communicate with this committee, informing them that he has some evidence to give against the officer who arrested him, and that the committee will receive the evidence, and then advise the court to discharge the prisoner. Why, the most honest police officer in the world will never take that risk. If he should see a man committing burglary under the previous ruling of this committee, he knows that if he makes the arrest the burglar, who may be consigned in the Tombs, may communicate with counsel —

The Chairman.—What ruling do you refer to? No ruling has been made here.

Senator Saxton.—Has not the position of the committee been defined enough on that point?

The Chairman.—I thought I made myself definitely understood when I stated that the only reason why the committee intervened in that case was because of its special features; because this woman had been punished sufficiently; because the facts in the case there showed that she had gone into this business only three months before, and had never been in it previously.

Mr. Nicoll.—And what you are doing now, and what we are doing now—I have been at the point of saying this to you within the last day or two, but I understood that some other witness was to be presented here, and I thought that would be the proper moment in which to make this statement—

Mr. Moss.—Counsel certainly are not going to try to offer immunity to prisoners. There is a person in court to-day, produced from the Tombs, who will be asked to testify. Nothing whatever has been suggested by counsel as to her immunity, or as to any promise or hope of immunity. We do not want testimony that is produced from any such reason as that.

Senator Saxton.—Our position is well understood now. We intend to take every case as it comes up, and if there are any extraordinary circumstances that might induce us to recommend the district attorney to show leniency, we are going to do so.

Mr. Nicoll.—For instance, take a police captain. A disorderly house exists in his district, which he raids —

The Chairman.—He is bound to do his duty.

Mr. Nicoll.—If he raids it and locks the woman up in the Tombs, will you discharge her of the crime of keeping a disorderly

House, in consideration of her assailing the character of the officer?

The Chairman.—Certainly not.

Mr. Nicoll.—That is what I want understood.

The Chairman.—That is very plain.

Mr. Nicoll.—Because that is what you have done.

The Chairman.—No.

Mr. Nicoll.—And that has paralyzed the police force of this city and left them at the mercy of the criminal classes in consequence—

The Chairman.—When has the committee done it? You say the action of the committee has paralyzed the police force?

Mr. Nicoll.—I say that is the impression that has been created, and police officers are in a state—the most honest of them are in a state of apprehension lest this committee will permit their characters to be assailed by persons whom they arrest.

The Chairman.—I can not see how they can reach any such conclusions, because one of the main questions before this committee is as to whether or not the police do their duty. If they close up a disorderly house, they do their duty. The testimony here is that they do not close them up, and take money for not closing them up.

Senator O'Connor.—As far as this committee is concerned, we will assist the police of this city as far as we can to discharge their duty.

Mr. Nicoll.—Well, we shall have to order out the militia to police the city.

The Chairman.—Haven't we made ourselves plain in this matter so you can understand it?

Mr. Nicoll.—I do, but I want your very utterances now, in which you say it is very clearly understood to go out—

The Chairman.—I have made them as clearly as I can. As I read the papers, they are arresting more now than ever.

Mr. Nicoll.—I am informed that one of the witnesses before this committee has resumed business at the old stand.

Senator O'Connor.—Then, why don't the police protect her?

Mr. Nicoll.—She is under the protection of the committee. If they do, there will be a howl from counsel as to the persecution of witnesses.

The Chairman.—Not a bit.

Mr. Nicoll.—Mr. Goff would come here and say we were intimidating a witness, and you would administer one of your withering reproofs and gain the applause of the courtroom.

William H. Clough, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Jerome:

Q. At one time did you have a saloon in this city? A. I did, sir.

Q. Where was it? A. Corner of Sixty-ninth street and Third avenue.

Q. How long did you have a saloon there? A. I owned it three days.

Q. During those three days did you have a license? A. No, sir; I did not.

Q. Did you run it during those three days? A. The bartender did.

Q. And liquors were sold there? A. Yes, sir.

Q. Did you see any police official during those three days? A. I think not.

Q. Did you see the wardman, the ward detective? A. Not in those three days, I didn't.

Q. When did you see him? A. I saw him at a picnic at Washington Park or Jones' Woods.

Q. When? A. A few days after the first Sunday.

Q. Did you have a talk with him? A. I did.

Q. Tell us what he said, please? A. I told him that we had a saloon there and we didn't want to get a license; we wanted to sell it and it wouldn't pay us.

Q. You wanted to sell the saloon and it wouldn't pay you to get a license between then and the short time that you would sell it? A. No, sir; and we wanted to run it until we did sell it; he said, "What is it worth to you;" we walked to one side and I gave him two \$20 bills.

Q. What did he say? A. He might have said all right; that settled it.

Q. You went on and ran it? A. Yes, sir.

Q. And had no trouble? A. No, sir.

Q. Do you know the wardman's name? A. I do not.

Q. Was he the wardman in that precinct? A. I suppose he was; yes, sir.

By the Chairman:

Q. Have you heard his name since? A. I might have known it at the time.

The Chairman.—Do you know the name of the wardman there, Mr. Jerome?

Mr. Jerome.—I do not; no, sir.

Q. What was the date of this? A. I bought it the 29th of May, 1890.

Q. And the conversation with this wardman was when? A. It must have been the next week, I think.

Q. Did he say he was wardman in that precinct? A. He was introduced to me as a man with whom I could deal with.

Q. As the wardman? A. I understood it so.

By Senator O'Connor:

Q. Would you recognize him if you saw him? A. I couldn't now.

Q. Who was the man that introduced him to you? A. He was the bartender.

Q. What is his name, so that we can have him come here? A. That was George Lake.

By Mr. Jerome:

Q. Where does he live? A. I don't know.

Q. Where did he live then? A. At that time he lived on Second avenue, I think, about Sixty-fifth street, I should say, I don't know, positively.

By the Chairman:

Q. How long did you run it after that? A. Our people sold out in about five weeks.

By Mr. Jerome:

Q. Do you know any other persons in that vicinity that paid any money? A. I do not.

Q. I hand you that yellow paper and ask you, after reading it over and refreshing your memory, if you can recollect any (paper shown witness.)? A. No, sir.

The Chairman.—Is that all, Mr. Jerome?

Mr. Jerome.—That is all.

Cross-examination by Mr. Nicoll:

Q. What is your business? A. I am a railroad man.

Q. Are you running a railroad? A. Not at the present time.

Q. What do you mean by saying that you are a railroad man? A. That I have done all kinds of work for 30 years on railroads.

Q. Were you running a railroad the same time you were running a saloon without a license? A. No, sir.

Q. When did you give up the saloon business? A. It must have been the 1st or 2d day of June.

Q. Eighteen hundred and ninety-three? A. No; three days after I bought it.

The Chairman.—Eighteen hundred and ninety.

Mr. Nicoll.—That is all.

Charles Coleman, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Where do you live? A. I live in Fifth street; 612.

Q. In this city? A. Yes, sir.

Q. Do you know a gambling-house on Stanton street? A. Yes, sir.

Q. What is the number? A. One hundred and ninety-eight, E. Feldman's.

Q. Have you played there recently? A. Yes; I was four times there; I was brought by two fellows over there; there is a faro bank there.

Q. Give us the dates when you played? A. I was last week in Brooklyn, at the dancing, teacher, and I am an agent for stationery, and I made about \$7 in my business, and two fellows bring me over there, and I played cards; I won the first night about \$57, and I go home and sleep; the next day I get up and I paid \$2.50 for my rent, and I go to Houston street, and two fellows catch me and bring me down there.

Q. To the same gambling-house? A. Yes, sir; and somebody treated me; I played cards; I lost \$15, and I said "I am done;" he brought more drink, and they pulled out my pocket-book with \$23.

Q. They stole your pocket-book? A. Yes, sir; these fellows bring me out, and I hollered "Murder, thief," and them fellows that bring me out, run away, and the bank keeper he caught that other fellow and take the pocket-book away.

Q. Feldman helped to catch the man? A. Yes, sir; the boss gave me the pocket-book; he says, "You got the money; you go home," and three fellows bring me home; the three fellows bring me home, and I was dead from the whiskey.

Q. You mean you were insensible? A. Yes, sir; they brought me home in my house, and that fellow said, "Look if you got the money;" I opened my pocket-book; my pocket-book was empty.

Q. You only had the pocket-book? A. Yes, sir.

Q. The contents were gone? A. Yes, sir; he said, "Have a sleep, and come to-night back;" I came back, and I said to Feld-

man, "That is a nice place; you robbed me," he says, "You won, anyhow, the money from me;" I said, "I will get square;" he said, "I got protection; I get no afraid from anybody; that is nothing;" he licked me; he punched me three times in the eye; I go right away to Captain Siebert.

Q. Feldman assaulted you? A. Yes, sir.

Q. Then you went to Captain Siebert? A. Yes, sir.

Q. Whereabouts? A. It was Wednesday of last week.

Q. Where did you go? A. To Captain Siebert, down there.

Q. Whereabouts? A. The station-house.

Q. Where is the station-house? A. In Houston street.

Q. Did you see Captain Siebert? A. Yes, sir.

Q. Tell us what you said? A. He said, "What is your name;" I told him what is the name of the gambling-house; he said, "Wait for my detectives;" he sent Mr. Farrell, Mr. Brennan first—

Q. Brennan and Farrell were called in? A. No; he came inside in the station-house; Mr. Siebert called in Brennan; "there is a gentleman, he wants to see you;" and he went with me outside, and that fellow what got the gambling-house, Feldman, was outside; Brennan said, "Wait, and I will make it good for you; I will look for the fellow;" he called Mr. Feldman over; he said, "Yes, he was by me and he was drunk in my place, and won a couple of dollars, and somebody came in and took the pocket-book."

Q. That is what Feldman told the policeman? A. Yes; he said, "Don't make a charge; I'll look for the fellow and I will catch him."

Q. Who said, "Don't make a charge"? A. Feldman said that.

Q. To the policeman? A. Yes, sir; Mr. Brennan said, "All right;" Mr. Brennan said, "Go home to sleep and come to-morrow;" I said, "I got no fright for you; you say you have got protection; I will go right away to the Lexow committee to-morrow;" he said, "Don't go; I will make everything all right for you."

Q. You say you told Mr. Brennan that you would go down to the Lexow committee? A. Yes, sir; I told Feldman, "I will go to the Lexow committee."

Q. Brennan said, "Don't go"? A. He said, "Don't talk; come to-morrow;" I was the next day; he said, "I have no time;" I said, "I will go for the Lexow committee;" I come this afternoon—

Q. When you say this afternoon, you mean last week? A. Last week; he said he had no time—come the other day; "if he don't find that fellow, I will go over with you and take a warrant; Feldman said if I go to the Lexow committee and make

a squeal he will send over a couple of gamblers and will go and throw me in the river.

Q. Did the police hear him say that? A. No, sir.

By the Chairman:

Q. Brennan was not there when he said that? A. No.

Q. Did he hear what he said? A. No, sir; "I catch next day the two fellows;" he said, "You get nothing back; that is a gambling-house, thieves and robbers;" I go over there to headquarters.

Q. You went to police headquarters then, did you? A. Yes, sir.

By Mr. Moss:

Q. Who did you see? A. I see two friends.

Q. What policemen did you see at headquarters? A. Inspector Williams.

Q. Did you state your case to Inspector Williams? A. Yes, sir.

Q. What did the inspector do? A. He went right away and called a detective down and he sent him down to me to Essex Market court to Judge Koch, and he got a warrant for that gambling-house, and he came down there, and he went away, that detective, to headquarters, and he sent down two detectives, Farrell and Brennan, and 14 or 16 policemen; he came over in the gambling-house and he play cards in the back room and he locked up 46 fellows and that boss too.

Q. They took the boss and 46 men? A. Yes, sir; the next day was the trial in the Essex Market court, and Judge Koch asked Farrell and Brennan if they played cards, and they said no, and he discharged them 46 fellows.

Q. Is that the end of it? A. Yes, sir; he is under \$1,000 for examination.

Q. Did Farrell and Brennan play cards in the place? A. No.

Q. Judge Koch asked them if they had played cards? A. Yes, sir.

Q. Were you asked any question? A. Judge Koch said nothing to me.

Q. The case was tried before Judge Koch on the testimony of Farrell and Brennan only? A. Yes, sir.

Q. And upon that testimony alone Mr. Williams' raid came to nothing? A. Yes, sir; he brought first 46 fellows and he asked him if he plays cards and he said no, and he discharged the 46.

Q. Each of the 46 men said he didn't play? A. Yes, sir.

Q. Was there any table, cards and such things as that taken; did the police officers get a table and cards and such things as that from the place, do you know? A. I don't know; I was upstairs with that one detective from headquarters; he was in

the back room of Feldman's and Brennan and Farrell were down there.

Q. When the arrest was made was a table found by the policeman, do you know that? A. Yes.

Q. A card table? A. There certainly were plenty of card tables there.

Q. Were there any cards found? A. Yes.

Q. Was there anything else, any gambling goods found? A. No; he didn't take anything else.

Q. You said a minute ago that the gambling-house was still running? A. Yes, sir.

Q. How do you know that? A. I have been over there; two fellows bring me over, and they said "Play more;" I have in mine pocket \$15.

Q. Is that the pocket-book (pocket-book shown witness)? A. Yes, sir; \$23; he stole the money off me.

Q. Have you played in the gambling-house since the raid? A. Yes, sir; one day I lost \$15, and he gave me some whisky; I said, "I can no more play; I got money; I will keep that money."

By Senator Saxton:

Q. After the arrest by these police officers, have you played there since then? A. No.

By Senator Cantor:

Q. What game did you play? A. I played faro.

By Senator Bradley:

Q. Did you play any pinocle? A. Faro and washa-washa.

Cross-examination by Mr. Nicoll:

Q. You had \$15 when you went to the house? A. Yes, sir.

Q. You won \$57 that night? A. Yes, sir.

Q. Are you ahead or behind now? A. Yes, sir.

Q. You are ahead, are you not? A. I paid my rent, \$2.50, and I bought something else.

Q. With everything, considering what Feldman gave back to you, you have got your \$15 and more? A. I don't understand.

By Senator Bradley:

Q. Have you got more money now than when you commenced to gamble? A. I have already got \$38; \$23 in that pocket and \$15 in that pocket.

By Mr. Nicoll:

Q. You had \$23 when you started? A. No; I won the first night, \$57.

Q. How much did you have in your pocket when you went there the first night? A. Seven dollars.

Q. You won \$57? A. I won about \$49 or \$50 altogether.

Q. At faro? A. Yes; faro and washa-washa.

Q. What is that game? A. That is like faro, too.

Q. I understood you to say that you paid out some of that money and that the next day you drank a great deal of whisky? A. Yes, sir.

Q. And that some of your money was taken away from you? A. Yes, sir.

Q. How much was taken? A. Twenty-three dollars.

Q. Then you had about \$23 left, didn't you? A. No; I got \$15, I says, in that pocket, and I lose the \$15, and he brought me a whisky; I was a little drunk; I said, "I don't play more."

Q. Did you lose only \$23? A. No; \$15; I got \$23 in that pocket.

Senator Saxton.—You lost \$15 playing there?

Senator Cantor.—When he lost \$15, he stopped playing.

Q. Then you stopped playing? A. Yes, sir.

Q. You haven't played since then, have you? A. Yes, sir.

Q. You haven't played since that time? A. I don't understand that word.

By the Chairman;

Q. Have you gambled since? A. No; arter no more.

By Mr. Nicoll:

Q. How much money was stolen from you? A. Twenty-three dollars.

Q. You haven't lost anything by all of this? A. No, sir; I don't lose nothing.

Q. You are ahead, are you not? A. Yes, sir.

By Senator Bradley:

Q. You have more money now than when you commenced? A. Yes, sir; I have altogether \$38; \$23 in that pocket, and \$15 in the other.

By Mr. Nicoll:

Q. The reason you didn't make a complaint to Captain Siebert was because Feldman told you not to do so? A. Yes, sir.

Mr. Moss.—I object to that; he said he did make a complaint to Captain Siebert.

Q. Did you make a complaint to Captain Siebert? A. Yes, sir; and he says to me, "What is your name?" I said, "Coleman," and the other man, I said, "Feldman;" he said, "Wait until my detectives come;" in about five minutes came Mr. Farrell and Mr. Brennan, and he went outside with me, and Mr. Feldman was there too.

Q. Did you make any complaint? A. Yes, sir.

Q. Didn't I understand that you withdrew that complaint? A. I don't understand that word.

By the Chairman;

Q. Did you take the complaint back? A. No, sir.

By Mr. Nicoll:

Q. Didn't you swear on your direct examination that Feldman said, "Don't make a charge?" A. Yes, sir; he says to me, "I got no afraid for you; I have got protection," go over there and look for that way.

Q. Didn't he say to you, "Don't make a charge"? A. Yes, sir; he said to me, "Don't make a charge; I will look for that fellow; I will catch him and bring him over to the police station."

Q. After that you went to headquarters? A. Yes, sir.

Q. And complained to Captain Williams? A. Yes, sir.

Q. And he assigned some central office detectives? A. Yes, sir.

Q. And they raided the place? A. Yes, sir.

Q. And they took the proprietor and 46 persons? A. Yes, sir.

Q. And they were brought up before Judge Koch? A. Yes, sir.

Q. And the 46 persons were discharged? A. Yes, sir.

Q. And Feldman was held in \$1,000 bail for examination? A. Yes, sir.

Q. And his case has not come up yet? A. It comes up next Friday; I come next day after my sleep, and I ask him who the fellow is, and he licked me and chucked me out.

Q. What is your business? A. I am a dancing teacher and an agent for stationery.

Q. A dancing teacher? A. Yes, sir.

Q. Are you a dancing master? A. Yes, sir.

Q. Where were you instructing; whom do you instruct in dancing, ladies or gentlemen? A. No, sir; in Fifty-fourth.

street I have a Bohemian dancing school, and a summer school in Astoria.

Q. You have a dancing school in Fifty-fourth street? A. Yes, sir.

Q. And another in Astoria? A. Yes, sir.

Q. A summer dancing school? A. Yes, sir.

Q. How long have you been in this country? A. Five years next month.

Q. Are you a citizen? A. No, sir; about two months to be a citizen.

By Mr. Moss:

Q. Is your dancing school in Brevoort Hall? A. No, sir.

Q. Feldman got that \$23 for you, did he? A. Yes, sir; because why I am afraid; he said yesterday he would give me \$30 if I wanted to settle.

Q. Who told you that? A. Two fellows were in my house where I live.

Mr. Morris.—You need not be afraid.

The Witness.—He wanted me to settle it. I said no.

Henry Hoffman, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Where do you live? A. One hundred and sixty Second street.

Q. Did you keep a disorderly house at 180 Allen street? A. Yes, sir.

Q. From April 19th to January last? A. Yes, sir.

Q. At or about the time you opened that house, did you see any police officer? A. Yes, sir.

Q. Who did you see? A. Mr. Glennon.

Q. Who is Mr. Glennon; did you know? A. He was wardman at the time in the Eleventh precinct.

Q. Who was captain at the time? A. Captain Devery.

Q. Where did you first see Mr. Glennon? A. I was introduced to him by ex-Assemblyman Philip Wissig.

Q. Philip Wissig introduced you? A. Yes, sir; he gave me a card to go and speak to him about the house.

Q. Did you have a conversation with Mr. Wissig about being introduced? A. Yes, sir.

Q. Where was that conversation held? A. In his place.

Q. On the Bowery? A. He has got a place in Grand street, corner of Forsythe, and another place in the house that I had.

Q. Where was the conversation with Wissig? A. In his place on Grand street.

Q. Did you talk about opening this house in Allen street? A. Yes, sir.

Q. What was said? A. He said I had to wait a half a month; that was on the 15th of March; he went to Albany, and he said when he came back he would let me know; when he came back, he said, "Yes, you can have the house for \$70 a month, but you must see the people down in Eldridge street;" I said "all right;" he gave me a card with a word "Glennon," I saw a man I thought was Glennon, but it was a Mr. Keenan; he said, "Well, wait; he will be around."

Q. Is Keenan an officer? A. Yes, sir; when Mr. Glennon came around we spoke about it.

Q. What did you say to Glennon? A. I said that Mr. Wissig sent me here and I showed him the card; he said, "What is your name?" I said "Hoffman;" he said, "What are you going to do?" I said, "I rented a house; now I want to ask if I can run it;" he said, "I will see about that all right;" they wanted \$500 and I only had \$250.

Q. Who wanted \$500? A. Glennon.

Q. Did he say so? A. Yes; I said, "I can not at present pay you that in full;" "Well," he says, "I will see about it;" I said, "I will give you the \$250 now, and if you will give me a month's time I will pay another \$100, and so on;" "Well," he says, "We don't do such kind of business;" but he says, "Come around the next night."

Q. Where did you meet him? A. At the corner of Eldridge street, I came, and he says, "Well, I saw the old man, and, on account of Philip Wissig speaking for you we will let it pass."

Q. Do you know who he meant by "the old man"? A. The captain.

Q. That is, he arranged to have you pay by installments? A. Yes; I had to pay him that money and \$50 a month; I paid him the second month I was there the rest of the \$500, and gave him \$40.

Q. When did you make the first payment? A. On the 16th of April.

Q. Where was that payment made? A. In the station-house.

Q. To whom? A. To Glennon.

Q. Was there anyone present? A. No; he told me I should come around at 9 o'clock, and when I see him I should give him

a wink, then it was all right; so he called me inside the station-house to the captain's room; I have been there afterward and spoke to Captain Devery in the room; he used to take the money off me and count it, and say, "If you keep on like that it is all right," and gave me advice; that is all; and I used to go out the same way.

By the Chairman:

Q. Who did that? A. Glennon.

By Mr. Moss:

Q. How many payments did you make of that \$500? A. Three times.

Q. Were they all made in the station-house? A. Yes, sir.

Q. Every one of them? A. All to Glennon.

Q. Then there was, I think you said, \$50 a month besides? A. I paid \$40 a month besides, but one day —

Q. Who did you pay that to? A. The same man.

Q. In the station-house? A. In the station-house; one day; it was on a Saturday — and I had eight women, they used to stay on the door and call men in from the windows and so, and it happens that Captain Devery passed by in citizen's clothes and this woman by the name of Kate McCarthy says, "Call him up."

Q. Call Captain Devery up? A. Yes, sir.

By the Chairman:

Q. Were you there? A. Sure I was there, but I didn't know nothing that that was Captain Devery; he didn't come up though, but next morning, the next morning at 9 o'clock a police officer in citizens clothes — McCarthy was his name — Hahn and McCarthy used to travel together; this fellow came up at 9 o'clock, he says, I used to keep open until 6 o'clock in the morning.

Q. You used to keep open until 6 o'clock? A. Yes, sir; was always open; he said, "Hoffman, come outside," I went in the hallway; he says, "Say, the captain wants to see you;" I went down to the captain, and he was all right; friendly enough until I told him what my name was, and he says, "You son-of-a-bitch, that is you, is it?" "Well," he says, "if them women cows of yours call me up again, I will take you by the neck and throw you out of the house."

Q. What is that, women cows? A. Yes, sir; I says, "Well, captain, I thought it was all right;" he said, "What do you mean?" I said so and so; he said, "Well don't give me such guff and get out;" a couple of days later Glennon came around and said he hadn't been in New York; he had a couple of days vaca-

tion or something; he said, "What was that?" I told him; he said, "Well, so and so;" he said, "That costs you \$10; you will have to pay \$10 a month more now;" and I paid \$50 a month until the 15th of October.

Q. That occurrence with Captain Devery cost you \$10 a month more? A. Yes, sir; I had to pay \$50 until the 15th of October.

Q. When did you have that conversation with Captain Devery?

A. In the month of June a year ago.

By the Chairman:

Q. You didn't go around and see Captain Devery again? A. He never called for me again.

By Mr. Moss:

Q. You ran that house from that time until January? A. Free and open until Devery was gone, and then nobody came and told me I should close it up.

Q. Did you have any trouble at all from the police? A. Yes, afterward.

Q. From June to January? A. No; not from June to January; they used to come around and get money from me.

Q. During Devery's term you didn't have any trouble; you were not arrested? A. Except once; I had a Jewish woman there and she had a brother, and that fellow used to come and try to get money from her and she didn't want it, and I threw that man down stairs, and the captain sent up Wardman Glennon, and the brother said the girl was under 16 years of age, and that was a lie; the girl is 20 now; he says, "Where is that girl?" I told him I hadn't such a girl; he asked us all questions as to her; he said, "When that fellow comes next do not say nothing; come down to the station-house, and we will give him six months;" but that cost me \$10, you know.

Q. You said something about "Come down to the station-house, and we will give him six months;" did Glennon say that? A. Yes.

Q. What did you understand by that?

The Chairman.—He answered that if this man came to his house again he was to bring him down to the station-house and they would give him six months.

Q. That is, six months for annoying you? A. Yes, sir.

By Senator Saxton:

Q. Did you say you paid him \$10? A. Yes; he said he had to square it with the old man.

By Mr. Moss:

Q. Glennon accepted the money; he didn't give it back to you, of course? A. No.

Q. Except on that occasion the police didn't arrest you, or cause you any trouble during Captain Devery's term? A. No, sir.

Q. Do you remember the month in which Captain Devery left the precinct? A. He left on the 1st of November.

By the Chairman:

Q. During all this time, from June to January, were those women in the house there, openly and publicly soliciting men? A. Sure.

Q. From the windows? A. Yes, sir.

Q. And from the stoop? A. Yes, sir.

Q. And that was public? A. Yes, sir.

Q. So that the police who came by there could see it? A. The police a couple of times snatched two or three girls from the stoop and brought them to the station-house and gave me notice, and I went up and gave ex-Assemblyman Wissig \$5 for each girl, and he had them bailed out over night, and the next day they used to get one month and two months on the island, and I paid \$25 and they were discharged.

By Mr. Moss:

Q. That is, \$25 to Wissig? A. Yes, sir.

By Senator Bradley:

Q. The \$25 got them clear from sentence? A. Yes, sir; I wouldn't have said all this, but, gentlemen, the dirty tricks they played me afterward forced me to do it.

Q. Did I understand you to say that Captain Devery called you a son-of-a-bitch? A. Yes, sir.

By Mr. Moss:

Q. Then you saw Philip Wissig very frequently about these girls and your troubles generally? A. Sure.

Q. Where did you go to find him? A. In his place.

Q. Did you have to go to the station-house to find him? A. No; sometimes he was not there; one time he was there, and he couldn't leave the saloon, so he sent me for a bail bond, and I fetched it back and he put his name on it, and I got it and got the girls out.

By Senator Saxton:

Q. Did I understand that you rented this place from Wissig? A. Yes, sir.

Q. He was the proprietor of the place, the property? A. I understand he is only the agent of the place, but he has got a saloon in the house.

Q. You did the business with him? A. I had got the receipts from him; they are written on paper from Albany.

By Senator Bradley:

Q. On the official envelope of the Assembly chamber? A. Yes, sir.

By Mr. Moss:

Q. You said that you went to Mr. Wissig and had him sign a bail bond? A. Yes, sir.

Q. Where was that bail bond signed? A. In his place.

Q. In his saloon? A. In a saloon on Grand street.

Q. Sure of that? A. Sure.

Q. What was done with the bond after it was signed? A. I fetched it back.

Q. He gave it to you? A. He put it in an envelope; whatever he put inside I don't know.

Q. You took it to the station-house? A. Yes, sir; and gave it to the sergeant.

Q. Did you give any money to the sergeant? A. No; I gave it to the man in the store.

Q. To Wissig's man? A. Sure; to him.

Q. You didn't look into the envelope after he gave it to you with the bond in it? A. No; it was closed.

Q. Did you see the bond taken out of the envelope? A. It was under the desk; I can not look under the desk.

Q. You know the girls were discharged? A. They were discharged; they had to put their name down and went home with me.

Q. You said a minute ago, that Captain Devery left the precinct in November? A. Yes, sir.

Q. But you didn't know that he had gone until someone came to you? A. I know, but nobody said I should clear out or close up; I kept it open, and then some officers came around; I always had a notion to close it up, but they said that so long as I paid them little fees, it was all right.

Q. At the time that Captain Devery left the precinct there was a great deal of excitement there, was there not? A. Yes, sir.

Q. Captain Devery was indicted for neglect of duty in allowing four houses to be open? A. Yes, sir.

Q. And immediately upon that was transferred to the first precinct where he is now? A. Yes, sir.

Q. That is right? A. Yes, sir.

Q. Did you close up your house when Captain Devery was indicted? A. No.

Q. Did anybody tell you to close it up? A. They came around and said I should look out for Captain Cortright.

Q. Captain Cortright succeeded Devery? A. Yes, sir.

Q. Who told you to look out for Cortright? A. Officer Foley, Rosenberger, Hahn, McCarthy, a lot of them.

Q. Mention all you can? A. All there in the precinct.

Q. Pick out some besides those four? A. There is Hahn, McCarthy, Rosenberger; one man's name is Ambrowitch or some name; he used to come up in full uniform in my place and take girls.

Q. And take girls upstairs? A. Yes, sir.

Q. What is his name? A. I can not tell you; he is a big, strong fellow.

Q. Do the best you can; what does it sound like? A. He is a Jewish man, a young fellow; he used to go with Rosenberger; they were brother officers; they always went around in the night time in citizen's clothes and picked up girls; they used to go together; I don't know his name; I could find out.

Q. Mention more of those policemen? A. One is named Foley, Schneider; some other fellows now, I can not give you the names.

Q. You said you paid some of these men \$5? A. Yes; and New Year's each \$10.

By the Chairman:

Q. As a New Year's present? A. Yes, sir.

By Mr. Moss:

Q. Did you give these wardmen any presents around Christmas time and New Years? A. The new ward men, no; but they got \$150 out of me when I was pulled.

Q. What do you mean by that? A. The new wardmen; they didn't know me, you know; them officers used to keep them away; but on the 13th of January Captain Cortright broke into my house—I had it closed then—and arrested me and eight women and 11 men, and marched us down to the station-house; there was another place along side of me; Vorack kept it; and Captain Cortright wanted to know if I kept it; I said, "No;" he said, "Why don't you get out here; you are told to close up;" I said, "By whom?" he said, "By Glennon;" I said, "No;" he says, "Well, you will have to suffer now;" I tried to settle with him, but I couldn't; he said, "I will send you all up to State prison

if you don't get out;" that night I was bailed out by Wissig; the next morning I was brought down to the court; I was under \$500 bail; the women were fined \$2 and the men \$5 each; I paid the fine and the bail.

Q. You say you paid your bail? A. A man by the name of Turk went bail for me; I gave him \$50.

Q. That was a personal matter between you and Turk? A. Yes, sir.

Q. Didn't you give your lawyer some money for detectives? A. Yes, sir; but it was about a week ago or so; he sent for me three times.

Q. Who was that? A. Nathan S. Levy.

Q. He was your lawyer? A. Yes, sir; he says, "these men want money; you are all right—."

Q. What men? A. Those detectives, Hunt and Levy; they were wardmen there; they came in with Captain Cortright and a lot of other officers; he says to me, "They want money;" I says, "For what?" "Well, then, they would not say nothing against you, and you get off free and clear;" I doubted that; he said, "Now, you would not get a minute;" he said, "You can not settle with the captain; if you give them people the money, they will keep him from going down to Special Sessions, and you will be discharged;" other people told me not to do it, but I went and drew \$150, and in three brand new \$50-notes, I brought it down to them; he said he gives it to them; eight days later the case came up in Special Sessions again; he says, "Hoffman, we can not go on with the case to-day; the captain is here; I am wondering that he is here;" I said, "That is funny;" he said, "I will tell you; the Society for the Prevention of Cruelty to Children, Dr. Jenkins, has put his nose in, and we have to settle that matter with him too; he got \$40 and \$35—to get the papers back, you know, from the hands of the clerk in the court, or some way, to have them printed over again; I gave him the money, and when my trial came up—that was \$215, he got from me for the police and this business, and when my trial came up I was not asked a word; I got two months, and I served them.

Q. Did you see any money paid by Levy to these two detectives that you mention? A. He said he paid them.

Q. Did you see it? A. I said to him, "Why can't I pay them myself?" He said, "They won't deal with ou, because you know the captain is so damned strict, and they do not trust you far."

Q. Did you talk with Levy about that? A. I asked him, but he denies everything; he was transferred away.

Q. You was sentenced to two months upon that? A. Yes, sir.

Q. At Special Sessions? A. Yes, sir.

Q. You say you had no chance to talk yourself? A. Not a word.

Q. Weren't you examined on the stand? A. Not a bit; there was Hunt sitting — Hunt was on the witness chair; he never spoke a word there, and so was Captain Curtright, and I was standing with the lawyer; the lawyer said to the three judges — gentlemen, you don't suppose — I am going to plead guilty to this charge, and they told me that I was going to get out, and they said "two months," and I done the two months.

Q. Do you know who took your house after you left it? A. It is empty yet.

Q. The girls that sat in the windows and around the stoop and called to men, how were they dressed? A. They had wrappers on.

Q. Did they sit in the windows with little or no clothing at times? A. They didn't sit in the window, but they looked out and stood downstairs and walked in the street.

By the Chairman:

Q. Walked up and down in front of the house, do you mean? A. Yes, sir.

Q. How long was that kept up publicly and openly? A. I had that over — that was public and open when I got the house; the other fellow had been arrested a couple of times, and had to give it up; he wouldn't pay that high rent what I paid; I kept it public until about Christmas.

Q. Down until Christmas, these girls of yours were soliciting men from the stoop, from the windows, and from the open street? A. Yes; they used to come around and tell me some nights, and say, "Look out; there will be officers from headquarters," and so it is very strict, because of Parkhurst; and I should look out for them men, and I closed up.

By Mr. Moss:

Q. How many other houses were running like yours in that neighborhood? A. There was one alongside of me, 180 1-2; and there was 150, and there was 50, and 56, and 32 and 34 Stanton street; there was a half a dozen in Rivington street; I don't know the numbers exactly.

Q. Any others that you think of? A. In Delancey street, 6, 8 and 12.

Q. Can you tell of any others? A. One in Eldridge street, between Hester and Canal.

Q. What number in Eldridge? A. And then 136 Chrystie street.

Q. What number in Eldridge street? A. I think it is 70 or 72.

By the Chairman:

Q. Are these all well-known houses? A. Sure.

Q. No attempt made to conceal their character? A. Everybody knew it.

By Mr. Moss:

Q. Do you know 51 Eldridge street? A. Yes, sir.

Q. Was that a house of ill-fame? A. Yes, sir.

Q. Were these houses all open, doing business the same as yours, at the beginning? A. Yes, sir.

Q. Were the women at the windows and around the doors? A. Yes; through the shutters.

Q. How long did that general condition continue? A. Until Dr. Parkhurst commenced that business; when Devery was transferred, as soon as Mrs. Schubert had been fined for something, they ran the place anyhow.

Q. There were five cases suddenly brought up by Dr. Parkhurst's society? A. Yes, sir.

Q. And there was a riot? A. Yes, sir.

Q. When the agents of the society appeared in the Essex Market Court against those five houses there was a riot there, was there not? A. I had nothing to do with that.

Q. Do you know anything about it? A. Yes.

Q. Wasn't it a matter of general knowledge through the whole Eleventh precinct? A. I guess, between them people.

Q. The detectives were chased half a mile through that precinct, were they not, and stoned on the Bowery? A. I had nothing to do with that.

Q. Did you know of it? A. Yes, sir.

Q. Do you know any men that were in the riot? A. No.

Q. Can you give us any information on that point that would locate any individual who was in that riot? A. No; I can not do that.

Q. Do you know any of the police officers that the mob passed as they were chasing the detectives? A. Yes, sir.

Q. Who were they? A. One is Beck; he acknowledged it; he was drunk afterward, and he said, "We chased them away up to the Bowery."

Q. Beck said that? A. Yes, sir.

Q. Chased who? A. Parkhurst's fellows, he said.

Q. Do you know there were several police officers along the route that mob took? A. Yes, sir.

Q. They didn't interfere with the mob but allowed them to chase the detectives? A. No, sir; they didn't.

Q. Was there any other officer besides Beck that you know of? A. No, sir; I can not tell; I wouldn't say nothing about that.

Q. Don't hold it back, if you know? A. Well, the men that chased them down, they were not people who kept the places; they were paid for it.

Q. Who paid them? A. That I can not tell you.

Q. Have you any information on that subject? A. No, sir.

By Senator Bradley:

Q. Did you subscribe any money toward it? A. No, sir.

By Mr. Moss:

Q. Did you subscribe any money toward it? A. No, sir.

Q. Who is Hockstern? A. I don't know him; he is not a friend of mine.

Q. Was he connected with Silver Dollar Smith? A. Yes; he bails lots of people out and so.

Q. Smith's friends? A. Yes.

Q. Did he run a house himself? A. I don't know for sure.

Q. Do you know whether he has run a house? A. No; I don't know for sure.

Q. Have you any information of any house that he runs? A. No; I can not tell, because the houses what I think he had any connection with it were run through other people; they never told me that he was the proprietor of it; I will not tell things that I don't know.

Q. Do you know Isidore Cutter? A. No.

Q. Do you know Bessie Butler? A. Yes, sir.

Q. Do you know that she kept a house at 81 Eldridge street? A. Yes.

Q. Do you know a man named Putter or Butler, who was said to be her brother? A. No, sir.

Q. Do you know whether Bessie Butler ran that house 81 Eldridge street, in the interest of any other individual? A. No, sir; I guess she ran it in her own name.

Q. Was any other person connected with the house? A. I don't know if it was her husband or not; he only was there sometimes during the day; he never was there during the night time.

Q. Do you know anything about a business connection between Mrs. Butler and Silver Dollar Smith? A. No.

Q. Wait a moment; think? A. He may have done favors for her; but I don't know; I have been in her house and drank wine and had a good time.

Q. You knew it was a house of prostitution? A. Yes, sir.

Q. You saw acts leading to prostitution there? A. They all laughed when I fell into the hole because they spent money and got no time, and I spent money and got two months.

Q. They spent money? A. All those women.

Q. Did Bessie Butler spend money? A. Yes, sir.

Q. How? A. She spent a hell of a lot of money for lawyers' fees.

Q. How do you know?

Mr. Nicoll.—I think this conscientious brothel-keeper ought to be limited.

A. I have heard of it off a woman.

Q. From her? A. Not direct from her, but from others.

Q. Who have you heard it from; I simply want to locate the persons? A. I will tell you from whom; from Lawyer Levy; he says, "When he asked me for the money," he says, "Look how much Plattdeutscher Lizzie spent; she had been pulled twice, and Mrs. Butler; they spent twice as much as you, but they got clear."

Q. Did you know Mrs. Werner's house? A. Yes.

Q. Where was that? A. In Chrystie street.

Q. What number—144? A. One hundred and forty-two, I guess.

Q. One hundred and forty-four? A. No; that is Mrs. Schubert; Werner's was in Forsythe street; 48.

Q. Was that a house of prostitution? A. Yes.

Q. Were you ever in that house? A. Oh, yes.

Q. Have you seen acts of prostitution in it? A. Certainly.

Q. Lascivious conduct? A. Yes.

Q. Was the house open like yours? A. No; the doors were always closed; it was a good, fine house.

Q. Were they fastened? A. You had to ring the bell.

Q. Do you know whether Mrs. Werner paid any money for protection? A. Sure.

Q. How do you know? A. Nobody could run a house without it.

Mr. Nicoll.—The witness is now testifying as to someone else paying for protection.

By the Chairman:

Q. Have you any knowledge of it? A. I know it to go around.

Q. You know it simply from general reputation and rumor? A. Yes, sir.

By Mr. Moss:

Q. Do you know of any house of ill-fame in that district besides your own, the proprietor of which has paid money to

the police, in a way that you could state specifically? A. Yes, sir.

By the Chairman:

Q. Did you know it? A. Yes, sir.

By Mr. Moss:

Q. Who? A. There is Freitag, 180 1-2 Allen street, alongside of my house.

By the Chairman:

Q. Did you see the money paid? A. He bought the house, and the people that sold him the house —

Q. Did you see the money paid? A. He went down the same way I went down to the station-house, and saw Glennon, and me and that man happened to be drinking together.

Q. Did you go with him? A. Yes; Glennon told me to tell him one night to go down.

Q. What did Glennon say? A. He said if I saw Freitag to tell him to come down; "If he don't come down quick, I will close him up."

Q. How much was Freitag's charge? A. He said he only paid \$30.

Q. Who said that? A. Freitag said, because he bought the house, and he said when he bought the house — I spoke to him yesterday about it; he paid \$200; the man who had the house paid to the police that, and he paid \$300 then, and \$30 a month; but in the last three months they asked him \$50; those are his words.

Q. Where is he? A. Two hundred and seventeen West Eighteenth street.

Q. Is he in the business of keeping a house of prostitution now? A. No; he was arrested in my house, but he was only fined \$3 in the morning; I didn't tell them that that was the proprietor for the next house.

By the Chairman:

Q. Why was it that the arrest of Mrs. Schubert made such an impression on you and the others engaged in that kind of business? A. At the time when Mrs. Schubert had moved, when she had been pulled, and had paid \$250 fine, she gave up the house, sold everything out, and the house was empty, and I had money then, and I was well known, and I thought, so long as

they don't do nothing to me, I will try and make more; so I went to the janitor and looked over the house, and he wanted \$80 a month rent for the house; I paid \$20 down, and then I found out I couldn't run it, and he paid me \$10 back; he told me Mrs. Schubert paid so much money, and he told me when she was pulled, and the next day was her birthday; something like that.

Q. That is hearsay; you stated on your examination before that the arrest of Mrs. Schubert had created so much excitement?

A. Yes, sir.

Q. Around there? A. Yes, sir.

Q. Why was it that her arrest created so much excitement there? A. Because people may have thought that she, while she was well known, known to be rich, and paid much money —

Q. Was it because there was a general impression throughout the district that she was under special protection of the police?

A. Yes.

Q. Because she paid so much? A. Yes; paid more than any of them.

By Mr. Moss:

Q. Do you remember that in August of last year, Dr. Parkhurst made a demand upon Captain Devery, and upon the police commissioners, and upon the superintendent of police, and upon the mayor of the city to close up about 50 houses — a public demand which was published in the newspapers? A. Yes.

Q. Do you remember that Captain Devery and Inspector Williams and all who were concerned in the matter, denied that there were any houses of ill-fame in existence there? A. It was in the papers.

Q. Your house was in that list, was it not? A. Yes.

Q. Your house was in that list which Dr. Parkhurst's society, the Society for the Prevention of Crime, charged with running; I think my name was signed to the charge, wasn't it? A. Yes.

Q. And the police captain, inspector and the officials all declared that there were no houses running; now, when they declared that your house was not a house of ill-fame, did they tell the truth? A. No; they lied.

Q. Did they know that they lied? A. Sure.

Q. They were receiving your money? A. Yes, sir.

By the Chairman:

Q. Were they receiving your money because it was a house of ill-fame? A. Yes; I would not have paid but for that.

Q. But, did they know it? A. Sure.

By Mr. Moss:

Q. Do you remember that about two months later —

Mr. Nicoll.— He can not testify as to whether anybody knew it but Glennon.

Mr. Moss.— The police official denied it; it was a matter of public knowledge.

Q. Now, your name was published as running a house at that place; did Inspector Williams send for you to see if that was true? A. No.

Q. Did he come to your house to see if it was true? A. There were five detective-sergeants from headquarters one night.

Q. What were their names? A. I only know one by name, Reap; it was Sunday night, and he brought four girls down the hall-way; he came upstairs and gave me hell — excuse the expression; and chased them all out; they told him to nail me, but he said, "Let him go this time, now."

Q. Did Mr. Reap make any complaint against your house? A. No.

Q. Do you know that Mr. Reap reported to Superintendent Byrnes, that he found no violations of law at your house at all; do you know that? A. I don't know if he has said that; I don't know.

Q. That has appeared as a matter of record in the trial of Captain Devery; if he said that then, he didn't tell the truth, from your knowledge?

Senator O'Connor.— Did this witness testify on the trial of Captain Devery?

Mr. Moss.— No; we didn't know of him then, and couldn't have used him anyhow, because it was another house; Captain Devery was accused of neglect of duty in failing to suppress the house 81 Eldridge street, kept by Bessie Butler, and as there was no proof which would show why he was neglectful, and as it appeared that headquarters detectives hadn't found anything and that the superintendent of police was making an investigation on his own account, the jury hesitated to find that Captain Devery was guilty when all the officers above him had participated in the same condition of affairs.

Senator O'Connor.— If these witnesses are testifying the truth, how do you account for the fact of the police making the kind of reports that they made to their superior officers and to the public?

Mr. Moss.— I can account for it only because of the general demoralization of the force.

Mr. Goff.— The revenue.

Mr. Moss.— In the case of 81 Eldridge street, Superintendent Byrnes was on the stand and testified that he had sent these five

detectives down to the district, besides giving the captain special instructions, and that they had reported to him every day: and each report was put in evidence, and showed that not a violation of law could be found; Roesch was one of the detectives, for I was present at the trial.

Q. Reap was the wardman under Captain Cassidy in that precinct, was he not? A. Yes, sir.

Q. The same man? A. Yes, sir.

Q. Did you see any other headquarters detectives? A. Yes; there were four others with him.

Q. But you were not raided? A. No; it was Sunday night.

Q. There was no complaint made against you? A. No; he said I should keep my doors closed now.

Q. Did you see Inspector Williams at all? A. I had seen him pass; I watched for him outside of the house.

Q. Did he walk into your house? A. He could not.

Q. You had a chain on the door? A. I had it closed; nobody could open it, except I opened it from the outside.

Q. Did anybody ever go to your house with a warrant from the superintendent of police, under section 285 of the Consolidation Act? A. No, sir.

Mr. Nicoll.—Is this man a student of the municipal law?

Mr. Moss.—The Consolidation Act, section 385, gives the superintendent of police power to issue his own warrants, without going near a magistrate; upon which warrant any suspected house may be raided; so the evidence need not be given out publicly or submitted to any influences that may exist in a police court; under a superintendent's warrant the house may be raided and the people caught in it arrested.

Q. Now, I ask you if no one came to you and tried to get admission to your house with a warrant signed by the superintendent of police? A. When Captain Cortright broke in the doors, in my house, I said, "What do you want;" he said, "I am arresting you;" I said, "What for?" he said, "For keeping a disorderly house;" and he broke all the doors, got all the girls and men out; I said, "Who are you;" he said, "I am the captain;" I said, "Have you a warrant;" he said, "Yes;" I said, "Show it to me;" he said, "I have got it in my pocket;" that is all right; I didn't see what warrant it was or not.

Q. That is long after these Devery troubles? A. Yes, sir.

Q. Now, let us go back to that story; Dr. Parkhurst served one notice, and then there were the denials that you testified about; some two months after that, didn't Dr. Parkhurst serve a second demand upon the police officials, the captain, the superintendent, the commissioners and all, that these 50 houses, including your own, should be closed? A. Yes.

Q. Saying that they were open houses; and wasn't that complaint by Dr. Parkhurst met with the same denial by the police officials? A. I only know what I read in the paper.

Q. Of course, it was a matter of public notoriety; you read the replies in the newspapers? A. Yes, sir.

Q. Now, was your house open during those two months? A. Yes, sir.

Q. Were the police officers coming there during those two months? A. They came there for money.

Q. You paid them money during those two months? A. I did; I paid the \$5 and \$10, so that they didn't give me away on the captain.

Q. Within two weeks after that second complaint, did Dr. Parkhurst, the agent of the Society for the Prevention of Crime, appear in the Essex Market Court and take out five warrants against keepers of houses of ill-fame in your district?

Mr. Ransom.—Mr. Moss has been steadily testifying now in this way for 10 minutes.

The Chairman.—I think it is a little leading.

Mr. Moss.—They were all together. They were all interested in this riot when they mobbed the agents. I do not expect him to admit that, though.

Q. You know there were five cases there made by agents of the Society for the Prevention of Crime, don't you? A. Yes.

Q. You know the names of the people that were arrested, don't you? A. Yes; three.

Q. Who were the three that you knew? A. Mrs. Schubert, Mrs. Werner, and Mrs. Butler.

Q. Now, those five arrests, coming after the demands of Dr. Parkhurst's society, and the denials by the police officials, are they the things that you spoke of as Dr. Parkhurst's movements that caused this excitement among the keepers of houses of ill-fame in the eleventh district? A. Sure; they wanted to get satisfaction, I guess, and not spoil the business.

The Chairman.—He means the mob wanted to get satisfaction, because the business was being spoiled.

Q. Do you know whether a house of ill-fame was opened in the district by a man named Levy? A. I have heard about that; that was in 32 Stanton street.

Q. What was Levy's full name? A. I don't know; he was wardman; that is the man I gave money to.

Q. Do you mean to say that wardman, policeman Levy, opened a house at 32 Stanton street? A. Well, him and Whittaker, the man who owns the house, together; I guess that man is the landlord, and he couldn't keep no house open.

Q. When was that? A. That was about two months ago, or a month and a half, six weeks.

Q. Is that house running now, do you know? A. It is an ice-cream parlor; it says on the windows.

Q. It is running under the guise of an ice-cream parlor? A. Yes, sir.

Q. Do you know of any other ice-cream parlors, which are really houses of prostitution or disorderly houses, in that district to-day? A. Well, I don't know.

Q. Do you know of one on Forsythe street? A. I know one on Chrystie street.

Q. Supposed to be an ice-cream establishment? A. That is supposed to be a restaurant.

Q. Where do you live now? A. One hundred and sixty Second street.

Q. Where have you been living recently? A. Fifteen Second street.

Q. Were you living in the house No. 15 Second street when Mrs. Miller was arrested recently? A. Yes, sir.

By Senator O'Connor:

Q. Did you give up this business? A. Yes, sir.

Q. You have given it up? A. Yes, sir.

By Mr. Moss:

Q. Do you know who kept No. 51 Eldridge street? A. Bergen, I guess, is her name.

Q. Was it Schlessinger? A. I don't know for sure.

Q. Do you know Mr. Schlessinger? A. No.

Cross-examination by Mr. Ransom:

Q. How old are you? A. Thirty-four years.

Q. How long have you lived in New York? A. Since 1883.

Q. What countrymen are you? A. German.

Q. Did you come from Germany here in 1883? A. No; I was a sailor; I came here from Brazil.

Q. Have you a family? A. No.

Q. When did you commence keeping a house of prostitution? A. Last year, on the 1st of February.

Q. Was that the first time you have been engaged in that business in your life? A. Yes, sir.

Q. How long did you keep the house? A. Until the 13th of January, when I was arrested.

Q. Did you ever see Captain Devery, except the one time when you say he went by your house and the girls tried to get him to come in? A. I never saw him, except that time when I went to the station-house.

Q. Did you see him at the station-house after that? A. I have seen him, but not spoken to him.

Q. You went down to the station-house, and you have already told us what he said to you at that time? A. Yes, sir.

Q. He called you a vile name? A. Yes, sir.

Q. And said he would do something to you; what was it? A. He was going to throw me out by the neck.

Q. Did you ever pay Captain Devery any money yourself? A. Not him.

Q. All the money that you ever paid was paid to Glennon? A. Glennon and others.

Q. You are sure about that? A. Sure.

Q. Was anybody present at any time when you paid Glennon money? A. No; he used to take me in the captain's room or in the sergeant's room.

Q. You and Glennon were alone always, when you paid it? A. Yes, sir.

Q. How much did you pay him altogether? A. I paid him \$500, and then in the first two months or three months, \$40 a month; then, the other months, \$50 each, and besides I gave him a couple of times \$10, when he told me something.

Q. Who was this man, Wissig, that you speak of? A. Well, he is an ex-Assemblyman.

Q. What? A. He has been an Assemblyman.

Q. When? A. Years ago; he ran for Senator two years ago, or three years ago.

Q. Do you know where he lives now? A. Yes.

Q. Where? A. He lives in Eldridge street, but he has one saloon corner of Grand and Forsythe street; a wine saloon; and he has another beer saloon place, corner of Stanton and Allen.

Q. What is his full name? A. Philip Wissig.

Q. Did you say that you paid money to Wissig? A. Yes; I paid him.

Q. Gave Wissig money? A. I had to pay him \$70 rent.

Q. You paid him rent? A. Yes; he has done me favors, you know; got women out when they were arrested.

Q. When any of your women were arrested, Wissig would get them out? A. Yes, sir.

Q. You paid him for that? A. Yes, sir.

Q. I understood you to say that you had paid several policemen \$5 and \$10 at a time? A. Yes.

Q. Can you mention the name of any one of these policemen?
A. There is Foley.

Q. Foley? A. Yes.

Q. What is his full name? A. I don't know, sir.

Q. Is he an officer now? A. Yes, sir; he is an officer.

Q. Do you know what precinct? A. In the Eleventh.

Q. How long has he been a policeman? A. I don't know.

Q. Tell me when you ever paid him any money? A. I paid him three or four times.

Q. When? A. He came up one night after Dr. Parkhurst had made that row, and the girls I had told him not to go down.

Q. You are wandering a little; I only want to know when it was? A. I can not tell you exactly the date, but I will tell you the month; in January.

Q. January of this year? A. Yes; he went up and brought an officer with him, and he says, "You stay here" —

Q. I don't care just at this moment for anything but an answer to my question; I wanted to fix the date; you think it was in January of this year? A. Yes; January I paid him \$10, a New Year's gift, and in December I paid him \$10 for another fellow who was with him.

Q. In December you paid him \$10; where was it? A. On the corner of Allen street, where I lived.

Q. Nobody with him? A. His partner was with him.

Q. What was his partner's name? A. I think Snyder was his partner at that time.

Q. Is he a policeman now? A. Yes; but I am not sure if that man is Snyder.

Q. You think it was Snyder? A. Yes.

Q. The same man is a policeman now? A. Yes, sir.

Q. In that Eleventh precinct? A. Yes, sir.

Q. He was Foley's partner? A. Yes, sir.

Q. In January you gave Foley \$10? A. Yes; for New Year's.

Q. Where was it you gave it to him? A. On the corner where I lived.

Q. Eldridge street? A. Allen street.

Q. Do you mean that it was in your house? A. No; outside of my house.

Q. Did you meet him by accident? A. No.

Q. Did you expect him? A. He told the girls that were traveling on the street then to go and tell Hoffman to come down; he expected me on Saturday to meet him in a saloon, but I had no time or I forgot.

Q. You went down and met him on the street and paid him \$10? A. Yes, sir.

Q. In what kind of money? A. Two \$5 bills.

- Q. Sure of that? A. Yes, sir; I always gave him his money.
- Q. In \$5 bills? A. Yes, sir.
- Q. Was there anybody present? A. His partner.
- Q. Nobody was there but you and Foley? A. Me and him went up and had a drink.
- Q. Was there anybody but you and Foley there? A. That was all.
- Q. Have you ever paid anybody any money since? A. Since then; no.
- Q. What other policeman did you pay money to? A. Rosenberger.
- Q. Do you remember his first name? A. I do not.
- Q. Where is he now? A. In the Eleventh precinct.
- Q. The same precinct? A. Yes, sir.
- Q. Have you known him long? A. I know him since last year in November; he used to come around.
- Q. How many time did you pay him money? A. I paid him about 10 times.
- Q. How much? A. Two dollars and \$3, and even one New Year's I gave him and his partner each \$5 and I even went by and paid him the money for my neighbor next door; because he was too cowardly to go out himself; so he sent me with the money.
- Q. You were not afraid of him? A. No; why?
- Q. Who was Rosenberger's partner? A. Abramvitch, or some name; I can not tell.
- Q. Is that man a member of the police force now? A. Yes, sir.
- Q. Over in that precinct? A. Yes, sir.
- Q. Was anybody present when you paid Rosenberger the money? A. They both were there.
- Q. Did the other man, the partner of Rosenberger, see you give Rosenberger the money? A. Well, I saw Rosenberger hand him the half of it.
- Q. Then he must have seen him get it; you are sure of that? A. That was in the saloon.
- Q. Fix the time? A. That was 9 o'clock in the evening.
- Q. What month? A. That was the 2d of January, the day after New Year's.
- Q. This year? A. This year.
- Q. You remember that perfectly, do you? A. Yes, sir.
- Q. Can you remember the other times when you paid Rosenberger any money? A. Well, you know he came around regular for \$2 and \$3; sometimes I gave it to him; sometimes I gave it to the other.
- Q. Did he come alone or come with his partner? A. They always were together.

Q. You gave it first to one and then to the other? A. Yes, sir.

Q. You never gave it to both of them? A. No, sir; only to one.

Q. What business are you in now? A. At present I do nothing.

Q. How long have you been engaged in that business? A. Since I am out of prison.

Q. How long have you been out of prison? A. Since the 1st of April.

Q. You were in prison two months? A. Yes, sir.

Q. For keeping a disorderly house? A. Yes, sir.

Q. Were you defended on the trial? A. I was defended; I was not asked a question.

Q. I mean, did you have a lawyer? A. I had a lawyer; yes.

Q. Who were the witnesses against you? A. That was Hunt and Levy, and Captain Cortright.

Q. Levy was Captain Cortright's wardman? A. Yes, sir.

Q. Is he the man that you say is now engaged in keeping a disorderly house? A. Yes, sir; I don't know if he keeps it; I can not swear to that.

Q. I understood you to say that he did? A. No, sir.

Q. All you know about Levy keeping a house is what you heard? A. Yes, sir; that is what they say.

Q. All you know about Whittaker is what you heard? A. Whittaker keeps the place there, sure.

Q. You have been in there? A. I have been in there and had a cup of coffee.

Q. Recently? A. Yes, sir; it is open every day.

Q. Tell me why you know it is a disorderly house? A. Well, there is only disorderly people hanging out there.

Q. Do you mean disorderly men or women? A. Disorderly women and men, gamblers.

Q. These are people that you believed were disorderly, women and men, gamblers? A. Yes, sir.

Q. You don't know whether they were or not? A. Yes, sir; because I met them on the street, and they told me they could go in with me there.

Q. Women have told you that? A. Yes, sir.

Q. That is the reason that you say it is a disorderly house? A. Sure.

Q. Now, about the ice cream part of it; you say they keep an ice-cream place there? A. So the sign says.

Q. That is all the ice cream they had; that is, on the signs? A. I guess so.

Q. Were you ever arrested before this one time that you speak of? A. Sure.

Q. What? A. Yes; I have been.

Q. What for? A. For fighting.

Q. Anything else? A. No.

Q. Never arrested for stealing? A. Yes; innocent.

Q. In this city? A. In this city.

Q. More than once? A. Once.

Q. Were you convicted? A. Yes.

Q. How much time did you serve? A. Four years and 10 months in State prison.

Q. What was your sentence? A. Burglary.

Q. Were you defended? A. Yes.

Q. Had a lawyer? A. Yes.

Q. And he succeeded in getting you convicted? A. Well, you know the—

Q. Never mind; you were convicted; how long were you sentenced for? A. I was not convicted; I pleaded guilty, because I couldn't get out of it.

Mr. Ransom.—I do not think that I wish to ask any more.

By Mr. Moss:

Q. Did you say that some of the women in Detective Levy's house had been inmates of your house? A. Yes, sir.

Q. Then you knew they were prostitutes? A. Yes.

Q. The lawyer that defended you when you got the two months, I understand, was Nathan S. Levy? A. Yes, sir.

Q. The same man that had taken \$215 from you to fix up the detectives? A. Yes, sir.

Louisa Miller, called on behalf of the State as a witness, being duly sworn, testified as follows:

By Mr. Moss:

Q. You are now living in the Tombs? A. Yes, sir.

Q. Before you went there, you lived at No. 15 Second street? A. Yes, sir.

Q. When did you move into 15 Second street? A. In January.

Q. Last January? A. Yes; the middle.

Q. What kind of a house did you keep there? A. A furnished room house.

Q. Were there any disreputable women in the house? A. No.

Q. What kind of women were in the house? A. All workmen who lived there.

Q. Gentlemen? A. Yes.

Q. Some men and some women? A. Not single women; man and wife together, and the rest were men.

Q. Did you have a visit from a police officer? A. No.

Q. When was the first time that you saw a police officer at your house? A. That night when I got arrested.

Q. When was that? A. The 31st of last March.

Q. Who called on you? A. Cohen and Schindler; those are the only two officers I know; the rest I don't know.

Q. Are they connected with the police station at Fifth street? A. Yes, sir.

Q. Tell us what happened? A. I was arrested on the 31st of March; I was alone; me and Mrs. Vandever; Mr. Vandever was not at home; Mr. Schuman, Mr. Gilbert, an old man 70 years of age.

Q. Was Schuman and Gilbert regular boarders in your house, lodgers? A. No; furnished rooms.

Q. They had furnished rooms in your house? A. Yes, sir.

Q. Tell all about the rest? A. I was sleeping on the lounge; it was about 11 o'clock; the bell rang; I even didn't hear it; so Mr. Schuman come and woke me up; he says, "The house is full of officers;" the same time that they woke me up the officers came downstairs, and says, "There is only one man in the whole house, and that man is sleeping;" so Officer Schindler says, "Go around to 27 Second avenue; they sent all the officers away; so they took Mr. Gilbert out and Mr. Schuman, and then they took me in Mrs. Vandever's; we came to Fifth Street station-house, and Captain Cross asked Mr. Gilbert if he lived in that house; he said, "yes;" he said, "Did you know that it was a disorderly house?" he said, "No; I didn't know nothing about it;" he said, "All right, go home;" so he sent him home; me and Mrs. Vandever and Mr. Schuman were all locked up for the night; I begged Captain Cross to send Mr. Schuman home; I said, "The rest of the people aint home; I have so many strange people living in the house; send him home;" he said, "I will not."

Q. You went to Essex Market court in the morning? A. Yes, sir.

Q. What happened? A. Me and Mrs. Vandever, we got called upstairs; first we were in the basement; then I sent for —

Q. Nathan S. Levy? A. Yes; I knew him when I was a servant girl in that same house; so I sent the officer there, and he came and he called me, and the two officers, Schindler and Cohen, were standing where the man is writing in the court; so he talked to them first, and then he came over to me; he said, "Will you give each \$10?" I said, "Yes; why not?" so the two came over; he called them over; Levy said, "Will you take each \$10?" that they would do all right; he said, "Yes, sir;" and they were satisfied; and I gave \$20 in Levy's hands, and Levy gave it to them two.

Q. Now, you saw the money paid to Cohen and Schindler? A. Yes, sir.

Q. Ten dollars a piece? A. Yes, sir.

Q. Those were the officers that had you arrested? A. Yes, sir.

Q. You say that Mr. Levy said that would make it easy for you? A. That would make it easy, and we would get out.

By the Chairman:

Q. Get free? A. That we would get free, and to get discharged, and two got discharged, and I was held in \$500 bail.

By Mr. Moss:

Q. Did you get bail? A. Yes.

Q. Who went bail for him? A. I don't know the man; Mr. Levy got him for me.

Q. Did you give Mr. Levy any more money for that purpose? A. Thirty-five dollars for bail.

Q. You don't know who the man was? A. No.

Q. Did you see him? A. Yes, sir.

Q. Did he sign the bond in the court? A. Yes, sir.

Q. Have you seen him since? A. No, sir.

Q. After that? A. After that; I got called on Monday; I was awful sick, and Levy called for me; Mr. Hoffman came the same day to my house, and I told him how things happened, and I said that he should go down to Levy and tell him that I was sick, and I couldn't come; and he came Saturday and said that the two officers were in his house, and wanted more money; I said, "I can not give no more money."

Q. Was any sum mentioned? A. No; he didn't say how much.

Q. He said they wanted more money? A. Yes.

Q. Were you able to pay, and did you pay any money then? A. No; I wouldn't give it to them; I said I had no money.

Q. Shortly after that you came up for trial, didn't you? A. Yes.

Q. What happened at the trial? A. Then I got fined \$100; I had five witnesses that I had a decent house.

Q. Were those witnesses examined? A. Yes; they all were asked.

Q. What did Cohen and Schindler testify to; did you hear them? A. I don't know what they said; the officer on beat was asked if he knew anything about it; he said no, he didn't know nothing about the house; he was watching the house, but didn't know nothing about it.

Q. The officer on beat said he knew nothing against the house?
A. Knew nothing about the house; as far as he knew it was a decent house.

Q. The result of that was that you were fined \$100? A. Yes, sir.

Q. What occurred then? A. Then I had rest until the 1st of May.

By the Chairman:

Q. Who testified against you? A. Schindler and Cohen at the time.

Q. Did you hear them testify against you? A. Yes, sir.

Q. They said you kept a bad house? A. That I kept a bad house.

By Mr. Moss:

Q. You were tried in the Special Sessions? A. Yes, sir.

By the Chairman:

Q. Was this testimony of Cohen and Schindler given after you had paid them the \$10 apiece? A. Yes, sir.

Q. How long after? A. I got tried; my trial was coming off on the 14th or the 15th; I am not sure what date it was.

Q. What month? A. April.

Q. The 14th or 15th of April? A. Yes, sir.

By Mr. Moss:

Q. It was also after you had refused to pay any more money?
A. Yes, sir; then I got fined \$100.

By the Chairman:

Q. How much more money had they demanded? A. They didn't say how much they wanted.

Q. They didn't make any direct demand on you at all, did they? A. No.

Q. Levy made the demand, or said that if you paid more money you could get off? A. Yes; he said that the officers were there, and wanted more money; I said that I couldn't give it to them; that I didn't have it.

By Mr. Moss:

Q. Did you see Officer Schindler again? A. I saw him after the 1st of May.

Q. What did Schindler say to you? A. I had a rest for two weeks; nobody troubled me; nobody came in the house,

only policemen asked for furnished rooms; after the first of May I had my rent paid, and one night the bell rang, and Mr. Hoffman opened the door, and the boy asked that a party wanted to see me; he didn't say who wanted to see me.

Q. You went out? A. Yes, sir.

Q. Who was it? A. Schindler.

Q. You saw Schindler on the street? A. Yes, sir.

Q. What did he say? A. He said, "What are you going to do?" I said I wanted to stay; he said, when I didn't pay no money I couldn't stay there.

Q. Did you talk about the character of your house? A. No; I said I wouldn't pay no money; I have a decent furnished room house, and I don't want to pay no money.

Q. Then you refused to meet his demands? A. Yes, sir.

Q. What occurred then? A. Then they didn't do nothing to me, and on the 19th of May I was arrested again.

Q. That was about two weeks after? A. About two weeks after.

Q. What was the charge against you that time?

Senator Saxton.—Do I understand that she paid the first time?

The Witness.—Yes, sir.

Mr. Moss.—Then Schindler saw her and demanded she should fix things, and she was arrested again on the 19th of May.

Witness.—When I came home they told me that I should go out on the 1st of June, and I was willing to go out on the 1st of June.

Q. Who told you to go out on the 1st of June? A. All my friends; they said I should get out, or they would arrest me again; they didn't wait until the 1st of June, and so I got arrested on the 19th of May.

Q. Charged with what? A. Busch said that he went with myself.

Q. Who is Busch? A. He was an officer on the beat.

Q. Was that true? A. No, sir; I had three doctors; I am awfully sick since eight months.

Q. You mean to say that such a thing is physically impossible? A. It is not possible; I have Dr. Fischer, 87 Second avenue, near Second street, and I have two professors in the dispensary.

Q. They say such a thing as that is not possible? A. It is not possible.

Q. But he swore to it? A. He swore to it.

Q. Any other policemen? A. I don't know what he said, I couldn't hear that.

Q. You were arrested by Busch, were you not? A. No.

Q. Who arrested you? A. I don't know the officer at all; I don't know the name either.

Q. You have been held upon that charge? A. Yes, sir.

Q. What were you charged with; were you charged with keeping a house of ill-fame, or what? A. I don't know what they said.

Q. You don't know what the charge was against you? A. No, I don't.

Q. You are held to bail? A. In \$500.

Q. But you can not furnish that bail? A. No.

By the Chairman:

Q. Have you had any trial? A. Yes; yesterday, three weeks ago, I went to the Tombs, and saw my lawyer; he put it down town to the grand jury.

By Mr. Moss:

Q. You mean to say that you went to the Special Sessions three weeks ago and your lawyer has transferred your place to the General Sessions? A. Yes, sir.

Q. How long have you been in the Tombs? A. I am in three weeks Monday, in the Tombs.

Q. What lawyer is representing you now? A. I can not tell the name; I always forget his name. (Witness handed a card to the chairman, bearing the inscription, "Lauren & Andrews, 25 Chambers street.")

Cross-examination by Mr. Nicoll:

Q. Where did you live? A. Fifteen Second street.

Q. Before you went to live at 15 Second street? A. One hundred and sixty-seven Allen street.

Q. What is that house? A. A tenement house.

Q. Were you living there alone? A. Yes.

Q. Have you never kept a house of prostitution in this city? A. No, sir; I never have.

Q. What was your occupation when you were living in Allen street? A. I am always working; and my work is washing and ironing, and I was living before that by Mrs. Gross, a midwife; she gave me people to take care of, sick women, and before that I was a servant girl, always.

Q. And 15 Second street, when did you go there? A. In January, I rented the house; it was the 14th or 15th.

Q. What rent did you pay? A. Seventy dollars.

Q. A month? A. Yes, sir.

Q. Did you rent your rooms to whoever applied? A. Man and wife, and gentlemen.

Q. You didn't ask any reference from your lodgers, did you?
A. No.

Q. Any man could go in there with his wife, for the time being, and have a room, couldn't he? A. No.

Q. He couldn't? A. No.

Q. Would you require a marriage certificate to be produced?
A. No; I did not.

Q. When you let your rooms, you let your rooms to couples?
A. Couples, by the week.

Q. By the week? A. Yes, sir.

Q. And by the night? A. No, sir.

Q. Never, by the night? A. No, sir; never.

Q. How much a week? A. The highest I got was \$3.50 a week for a room.

Q. What was the lowest? A. One dollar.

Q. A dollar a week? A. Yes, sir.

Q. How many couples paying a dollar a week had you in your house? A. Well, that was gentleman what paid \$1.

By the Chairman:

Q. Alone? A. When they were alone, man and wife, \$2 was the lowest on the top floor; and down stairs, \$3.50 and \$3 a week.

By Mr. Nicoll:

Q. How many couples does your house contain? A. There were four couples living in it at the time when I got arrested.

Q. How many men? A. There were two men, two single men.

Q. Didn't you have any girls in the house? A. No, sir; I never had.

Q. None? A. No.

Q. Were not women in the habit of coming to the house in the evening? A. No, sir.

Q. And bringing men there? A. No, sir.

Q. And paying you \$1 or \$2 for a room? A. No, sir.

Q. Didn't you know that citizens made complaints against you for doing that? A. No, sir; they never did.

Q. Don't you know that people in the neighborhood complained against your house?

Mr. Moss.—Unless Mr. Nicoll can show that that is true, it is an unfair question, is it not? I happen to know something about the locality and I don't think it is true.

Q. Don't you know that citizens in the neighborhood complained against your house? A. No; they can not; they never could.

By the Chairman:

Q. They didn't either, did they? A. No, sir.

Q. I mean, so far as you know, did anybody ever say that your house was a bad house? A. No; they never did; even that man that has the plumber shop down stairs was a tenant from me, went up and spoke for me.

By Mr. Nicoll:

Q. You had a lawyer at the Special Sessions? A. Yes, sir.

Q. You had a trial? A. Yes, sir.

Q. Before three judges? A. Yes, sir.

Q. After the three judges had held the case against you, did you testify there yourself; did you give evidence there?

The Chairman.—But you swore, as you have been sworn here; on that trial were you sworn and did you testify?

By Mr. Bradley:

Q. The same as you are doing now; did you do that at Special Sessions before the three judges? A. Yes, sir.

By the Chairman:

Q. Did they put you in the chair? A. Yes, sir.

Q. And you kissed the Bible and said what you wanted to say? A. Yes, sir.

By Mr. Nicoll:

Q. And you had your trial and the three judges found you guilty of keeping a disorderly house? A. Yes, sir.

Q. And fined you \$100? A. Yes, sir.

Q. And now you are in the Tombs, charged with keeping a disorderly house again? A. Yes, sir.

Q. Did you write a letter to the Lexow committee, or to Mr. Moss, telling them that you were willing to testify here? A. No, sir; I never wrote a letter.

Q. Did you send anybody? A. No, sir; not so far as I know; I can not write no English or read no English.

Q. Don't you know how they knew your story? A. The lawyer must have told them that, I suppose.

Q. A lawyer? A. Yes.

Q. Levy? A. No; the lawyer I got now.

Q. Are you testifying under any agreement that you shall be relieved from prosecution? A. I understand that.

By the Chairman :

Q. Has anybody promised that in case you testify here you would not be punished ? A. No, sir; nobody said that at all.

Q. Nothing like it ? A. No; I never heard it, either.

The Chairman.—The witnesses subpoenaed for to-day will present themselves to-morrow morning at half-past 10 o'clock, without further subpoena.

The committee now stands adjourned until half-past 10 o'clock to-morrow morning.

Proceedings of the twenty-sixth meeting of the committee to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the Superior Court, in the County Court house, in the city of New York, Thursday, June 14, 1894, at 10.30 a. m.:

Present.—Senators Clarence Lexow, Edmund O'Connor, David Bradley, Charles T. Saxton, Jacob A. Cantor; Mr. Goff, Mr. Jerome and Mr. Moss for the committee; Mr. Ransom for the police board.

Chairman Lexow.—Will you call your witness, Mr. Goff?

Mr. Goff.—Yes; in one moment; Miss Harvey, if you please.

Maud Harvey, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Chairman Lexow.—I will say that no testimony given by you upon the question of bribery or corruption, the giving of money to police or otherwise, can be used against you in any other proceeding; but that upon the contrary the testimony that you give here, if you do give it upon that question, will be an absolute bar against any proceeding being brought against you criminally or otherwise; all you have to do here is to tell the truth; and if you do tell the truth on those subjects you are protected.

Q. Now you have heard what the chairman of the Senate committee has told you, and you understand it; do you not? A. Yes.

Q. And as the chairman has informed you, you have nothing to fear from anything you may testify here; you understand that? A. Yes, sir.

Q. Where do you reside? A. One hundred and forty-four West Twenty-fourth street.

Q. And your full name, please? A. Maud Harvey.

Q. How long have you resided at 144 West Twenty-fourth street? A. Ten years in November.

Q. Ten years last November? A. November coming.

Q. I believe you own the house you reside in? A. Yes, sir.

Q. And that house is situated in that delightful spot of our city called "The Tenderloin," is it not? A. I believe they call it that.

Q. Tenderloin precinct? A. Yes, sir.

Q. Now, you have kept the house or a furnished-room house?

A. Yes, sir; furnished-room house.

Q. Some people call that a bed-house; isn't it so? A. Yes, sir.

Q. You have not kept girls of your own, Miss Harvey? A. Sir?

Q. You have not kept girls of your own? A. No, sir.

Q. You kept those rooms to let out to ladies and gentlemen when they called there? A. Yes, sir.

Q. And you have conducted that house for the past 10 years?

A. Yes, sir.

Q. Attended to all the business affairs yourself? A. Yes, sir.

Q. You tried to keep it as orderly and quiet as possible? A. Yes, sir.

Q. You never had any trouble in your house, had you? A. Yes, sir.

Q. Had you? A. Two years ago.

Q. What was the trouble? A. Two or two years and a half ago when they raided me, that is all.

Q. You were raided two years and a half ago? A. Yes.

Q. And that was the first trouble you had? A. Yes, sir.

Q. I mean you had no disorder or fights, or quarrels, or anything of that kind or loud noises? A. No, sir.

Q. You kept your house as quiet as possible? A. Yes, sir.

Q. And you did not permit any disorderly person, drunken person of either sex to go into your house? A. No, sir.

Q. Who raided you? A. McLaughlin.

Q. That is Inspector McLaughlin now? A. Yes, sir.

Q. He was then captain of the Tenderloin? A. Yes, sir.

Q. Before—we'll go back a little, Miss Harvey—before McLaughlin raided you, was you there, when Inspector Williams was captain of that precinct? A. Yes, sir.

Q. Do you remember him; do you know Captain Williams? A. No, sir.

Q. Do you know his wardman? A. No, sir.

Q. Did any of the police officials ever visit your house at the time Captain Williams was there in that precinct? A. No, sir.

Q. Do you know Officer Price? A. No, sir.

Q. How many years did you continue in business in that precinct before you were raided? A. Well, take two years and a half from it.

Q. Seven and a half years? A. Yes.

Q. Now, during the seven and a half years that you were there, how many captains were in the precinct, before you were raided?

A. I could not tell you that.

By Chairman Lexow:

Q. Can you approximate? A. I don't know what you mean.

Q. About the number? A. No, sir.

Q. Three or four, or five or six, about? A. No.

By Mr. Goff:

Q. Do you know what captain went there after Captain Williams? A. That was the one — McLaughlin?

Q. Was it Captain Reilly? A. I could not tell you that.

Q. Well, it is all right, Miss Harvey; now, up to the time you were raided had you ever to pay any money to any person? A. No one; only the Sisters of Charity come there once a month.

Q. Those are the only persons you ever paid money to? A. Yes.

Q. Policemen never visited your house? A. No, sir.

Q. Police officials never visited your house? A. Only at the time of the raiding.

Q. Did you pay any money then? A. No, sir.

Q. So that you have conducted that house for 10 years in the Tenderloin precinct, and never had to pay police officials a dollar; is that true? A. The truth; yes, sir.

Q. What; is that true? A. At the time I got arrested, you say?

Q. Any time? A. I never gave up a cent there.

Q. You never paid a dollar? A. No, sir.

Q. When you got arrested, then did you have to give up any money? A. No, sir.

Q. So now you tell the Senate committee, Miss Harvey, that you never had to pay a dollar to any person on account of police protection, is that true? A. Yes, sir.

Q. Did you ever say to any person that you had to pay? A. No, sir.

Q. Did you ever talk with any person about having had to pay money? A. No, sir.

Q. And you are thoroughly innocent of anything called police protection, are you? A. Yes, sir.

Q. You let out your rooms now? A. No, sir.

Q. You have shut down, have you? A. Yes, sir.

Q. When did you shut down? A. At the time of all the talk in the paper.

Q. What? A. At the time all the talk was in the paper.

Q. At the time of the appointment of this Senatorial committee? A. Yes.

Q. What caused you to shut down then? A. Because I retired from the business.

Q. Was it on account of the Senate committee you retired from the business? A. I intended to go out of it anyhow.

Q. Why did you retire? A. Because I did not want to get in any trouble; I knew you would bring me up here, I suppose.

Q. You knew you could not get into any trouble because you had no relations with the police; isn't that so? A. I do not know what you people can do.

Q. But since you have had no transaction with the police you could not get into any trouble about it, could you? A. I simply retired from the business, that is all.

Q. What made you retire when the Senate committee went into this investigation? A. Reading so much in the paper.

Q. Your name was not mentioned? A. There was other places; all shut up together?

Q. What other places were shut up together? A. Lots of places; I read it in the papers, were closed up.

Q. Don't you know of any place around there? A. No, sir.

Q. Don't you know any house at all? A. What?

By Chairman Lexow:

Q. Miss Harvey, do you mean to be understood as saying that the mere appointment of this Senate committee had more terrors for you than the 3,800 policemen in the city of New York? A. I don't understand what you mean.

Q. Do you mean to say that you became more alarmed by the mere appointment of this Senate committee than you were alarmed with reference to the entire police department of the city of New York? A. For the simple reason of having the trouble before I closed up.

Q. But you had gone for two years after you were closed up for the first time by the police; and do you mean to say that the mere fact that this Senate committee was appointed caused you to close up, and the whole police department of this city could not compel you to close up? A. I closed it on account of the talk in the paper.

Q. Can't you answer a simple question; did the police department of this city have no terrors for you at all? A. No.

Q. None at all; you were not afraid of the police department of the city of New York at all? A. Of course, I was.

Q. If you were afraid of the police department, why was it that the mere appointment of this committee closed your house, and the police department of the city could not close it up?

A. I don't know.

Q. Did you have any conferences or conversations with any of the police in your district? A. No, sir.

Q. Don't you know any of them? A. No, sir; only Captain McLaughlin at the time he raided me.

Q. Did you know him personally? A. Just the night I was arrested.

Q. What was the result of that raid? A. I was discharged in the morning.

Q. In the morning? A. Yes.

Q. Did you give bail? A. Yes; I can not tell you who went my bail.

Q. Before what judge were you brought? A. Judge Brady.

Q. What police court is that? A. Jefferson Market.

Q. And he put you under bonds? A. Yes, sir.

Q. Who gave your bond? A. I could not tell you that.

Q. Did you pay for it? A. No, sir.

Q. Didn't you pay a dollar there in the police station? A. No, sir.

Q. Were you fined? A. No, sir.

Q. Was anything done afterward? A. No, sir.

Q. Nothing but the simple bond given? A. Yes, sir.

By Mr. Goff:

Q. Who gave your bonds here?

By Senator O'Connor:

Q. Right in this connection, you went right back conducting your business as you did do after giving the bond? A. Yes.

By Chairman Lexow:

Q. And did not stop it until the committee was appointed? A. No, sir.

Q. During all this time was any other raid attempted on your house? A. No, sir.

Q. So the fact was you were under bonds, that no trial was had, that the police had visited your house and arrested you, that you immediately returned, reopened the house, and the police did not do anything until two years after—until this Senate committee was appointed; is that the fact? A. Yes, sir.

By Senator O'Connor:

Q. Of course, the police knew you were keeping that house?
A. Yes.

By Senator Bradley:

Q. What did they put you under bonds for? A. To appear at the station-house in the morning.

By Chairman Lexow:

Q. To appear in Special Sessions? A. No, sir; down at the Jefferson Market.

Q. You went there in the morning and gave bonds there?
A. Yes, sir.

Q. That was to appear at Special Sessions? A. I don't know, sir.

Q. Did you have a lawyer? A. Yes, sir.

Q. Who was he? A. I couldn't tell you that.

By Mr. Goff:

Q. Who got you the lawyer? A. A friend of mine.

Q. Who was the friend?

By Senator Bradley:

Q. I suppose you don't know his name, either?

By Mr. Goff:

Q. Yes, she does? A. I decline to answer that.

Q. Was your friend connected with the police department?
A. No, sir.

Q. Let us see; you are not a bad woman yourself, are you?

Mr. Ransom.—Mr. Chairman—

Senator O'Connor.—Mr. Goff ought to have a pretty free hand with this witness. Don't interrupt or interfere until he gets through with the examination.

Mr. Ransom.—This is not fair.

Senator O'Connor.—Yes, it is.

By Mr. Goff:

Q. You are not a bad woman, yourself? A. No, sir.

Mr. Ransom.—He should appeal to her conscience at a respectable distance. The counsel for the police should have opportunity to hear the witness.

Senator Bradley.—I will protect her from the counsel.

Mr. Ransom.—I am glad to hear that. I will sit down.

Q. You would not deliberately perjure yourself? A. No, sir.

Q. You know you have got a conscience, haven't you? A. Yes.

Q. You know an oath has a binding effect upon the conscience? A. Yes, sir.

Q. I want you to look at this Bible; do you know the difference between the various Bibles? A. Yes, sir.

Mr. Ransom.—What is the question?

Mr. Goff.—What is the difference between different Bibles?

Mr. Ransom.—I think, Mr. Goff, the witness can hear you without getting so near to her. I appreciate the fact of your showing the book, I appreciate that, but want to hear the question.

Mr. Goff.—I will try to talk louder, Judge.

Q. You know there are such things as the old Bible, and the new revision; do you know that? A. Yes, sir.

Q. Well, do you make any distinction of taking an oath upon the old Bible or the new revision? A. I take an oath to the truth, and nothing but the truth.

Q. Do you make any distinction between the taking of an oath on the old Bible or the new revision? A. No, sir.

Q. It is the same to you? A. Yes.

Q. Do you make any distinction between taking an oath on a Protestant Bible and a Catholic Bible? A. I don't know what you mean; a Protestant Bible, I have no faith in it; I won't take an oath to any lie.

Mr. Ransom.—She has no faith in a Protestant Bible?

Mr. Goff.—Yes.

Q. You have faith in the Catholic Bible? A. Yes.

Q. Will you look at that and state whether it is a Catholic or Protestant Bible? A. I can tell when it has a cross.

Q. That is a Catholic Bible? A. Yes.

Q. Do you think an oath on a Catholic Bible binds your conscience? A. Yes, sir.

Q. And you have sworn on your Catholic Bible to tell the truth? A. Yes.

Q. And is all that you have said in answer to the questions I have put to you the truth? A. Yes.

Q. Every word? A. Yes, sir.

Q. Do you remember saying to any person—asking on what kind of Bible you were to be sworn in court? A. Yes, sir.

Q. Do you remember saying that you did not give shucks for a Protestant Bible? A. Yes, sir.

Q. Now, look at that again, and see if it is the Catholic Bible? A. Yes, sir.

Q. That is a Catholic Bible? **A.** Yes.

Mr. Goff.—Senator O'Connor, are you an authority? (Handing Bible to the Senator.)

Senator O'Connor.—I can tell whether it is a Catholic Bible or not.

Mr. Ransom.—Whether it is or not; she says it is.

Senator O'Connor.—This is not a Catholic Bible.

Mr. Ransom.—She believes it to be a Catholic Bible. I suppose that is all that is necessary.

By Mr. Goff:

Q. Didn't you ask a person what kind of a Bible you would be sworn on, and didn't that person tell you on a Protestant Bible?

A. I said to a man that came to my house last night and the night before about a Protestant Bible; I said, "I will go up there and tell the truth, no matter what kind of Bible they will put me on."

Q. Yes; but you asked about the Bible? **A.** I guess I did.

Q. What kind of a Bible you would be sworn on, didn't you? **A.** I guess I did.

Q. Now, what idea had you in your mind about the different kinds of Bibles; did you mean to let up on your conscience, according to the Bible you would be sworn on? **A.** No; you cross-question me here in everything, and I might say something; I don't know what I am saying, and you would turn around and say it on the Bible; I will tell the truth and nothing but the truth on the Catholic Bible.

Q. Didn't the man tell you that it was a Protestant Bible that was in use in the court here? **A.** I don't remember, sir.

Q. Will you swear he did not? **A.** Yes, sir.

Q. Didn't he tell you that it was a Protestant Bible, and didn't you say you didn't give shucks for a Protestant Bible? **A.** I might have said it.

Q. So you came to court this morning with the knowledge that you was going to take an oath on a Protestant Bible? **A.** No, sir; I did not; I came to tell the truth.

Q. Can you tell a Protestant Bible from the Catholic Bible, only from the cross on the cover? **A.** That is all.

Q. So, if there was a cross on the Protestant Bible, you would believe it was the Catholic Bible; is that it? **A.** Yes, sir.

Q. Now, since you told us, Miss Harvey, about this conversation regarding the Bible, won't you tell us the conversation that you had about Eveline Bell, for instance? **A.** Why, the man came to the house last night—

Q. Will you please tell us what you said about Eveline Bell? **A.** I said, "How is it—" the man that came to the house last

night said, "You are not the only one in it;" I said, "Why, have they got me?" I said, "I never had any connection with the police or anything;" I said, "Why, have they got me; there is others," and with that he showed me a paper like this. (Showing a paper.)

Q. A subpoena? A. Yes.

Q. Then didn't you say that one woman had skipped for Europe; now, remember? A. Yes, sir.

Q. What was her name? A. Lucy McCarthy; I said, "If I knew I was going to be mixed up in anything like this, I would not stay here."

Q. How do you know Lucy McCarthy has skipped for Europe? A. I heard she went away; I did not say skipped.

Q. Who told you? A. I don't know.

Q. Did you know Lucy McCarthy? A. Not intimately.

Q. You knew her? A. I have seen her.

Q. You knew she was recently mixed up in a case with a person of the name of Munzinger? A. Reading it in the paper.

Q. And when did you first learn that Lucy McCarthy went to Europe? A. I heard it one day upon the race-track.

Q. Who told you on the race-track? A. I couldn't tell you that, sir.

Q. A man or woman? A. A woman.

Q. Can't you tell her name? A. No, sir.

Q. Where; Morris Park? A. Yes.

Q. What name did she go by, the woman that told you? A. I couldn't tell you that.

Q. That is the meeting since Decoration Day, isn't it? A. It was on Decoration Day.

Q. It was on Decoration Day? A. Yes, sir.

Q. Didn't the person who told you tell you that Lucy McCarthy had gone to Europe on account of the Senate committee? A. No, sir.

Q. Didn't you say anything about Mrs. Schatz? A. Who?

Q. Miss Schatz. A. I don't know her.

Q. Haven't you heard the name before? A. Yes, sir.

Q. Well, Josephine Shaw? A. I don't know her; I know of her name.

Q. You know she has gone too? A. No, sir.

Q. Where is she? A. I could not tell you; I don't know the woman.

Q. Don't you know whether she is there in Twenty-fourth street or not? A. No, sir; I don't know of any woman in that street by the name of Shaw.

Q. Don't you know that Josephine Shaw keeps a house? A. There is a Shaw, uptown somewhere; but I don't know where.

Q. Is this the first time you heard her name? A. No, sir.

Q. You said to the man last night, you did not see why you should be called, while there was plenty of houses around the street; isn't that so? A. Yes.

Q. And there are plenty of houses in that street, aren't there? A. I don't know; you ought to know that, too.

Q. Well, now, Miss Harvey, you say your conscience is bound by an oath; do you think you told the truth, when you said I ought to know that? A. Well, I—I don't know.

Q. Well, don't you know you are under oath? A. You people know all about anything that is going on here in New York.

Q. Have you seen him before? A. No, sir.

Q. How do you know I know anything about the house in Twenty-fourth street? A. I don't know sir; I read in the paper.

Q. Now, Miss Harvey, you know it is under an oath, and it is not a laughing matter here? A. I know that, sir, but you don't want me to sit up and cry here, do you?

Q. I would rather see you laugh; I only don't want you to turn it into a light matter, Miss Harvey; you know, if you commit perjury here, you are liable to punishment here, don't you? A. Yes, sir.

Q. Will you swear you never said to any person, any man or woman, that you had to pay police captains for protection? A. Yes, sir.

Q. You swear that positively? A. Yes, sir.

Q. Will you swear that you did not say that you had to pay Captain Williams? A. Yes, sir.

Q. Or his wardman? A. Yes.

Q. You swear you did not say that? A. I did not.

Q. Or anyone for you? A. I did not.

Q. Your housekeeper? A. I did not.

Q. Or any person acting for you? A. I did not.

Q. Did you ever part with any money to any person for the purposes of police protection? A. I did not.

Q. Who did you see since the subpoena was served upon you last night? A. I saw a gentleman friend of mine.

Q. Who was the friend of yours? A. I don't care to tell that.

Q. Well, I think we will inquire who that friend was, after the subpoena was served upon you last night?

Mr. Ransom.— You press that question?

Mr. Goff.— Yes; I press that question.

Q. Answer who it was? A. It was a race-horse man.

By Mr. Goff:

Q. Did you talk to him about this subpoena? A. Yes, sir.

By Chairman Lexow:

Q. And about the testimony you would give here? A. I said to him, "I am in trouble; I don't know why they have got me in this place."

By Mr. Goff:

Q. Now, here is a Catholic Bible; you can read, can't you? Senator O'Connor.—Is it the Duey edition?

Mr. Goff.—Yes; I think so. You look at the imprimatur there. I ask you, Mr. Senator, to administer the oath to this witness on that Bible.

Senator Lexow.—You solemnly swear that the evidence that you shall give from now on in the investigation of the police department in the city of New York, under the Senate resolution of January 30, 1894, shall be the truth, the whole truth, and nothing but the truth, so help you God?

The Witness.—Yes.

Chairman Lexow.—Kiss the Bible. (The witness kisses the Bible.) Do you consider that a binding oath?

The Witness.—Yes, sir.

By Mr. Goff:

Q. Now, will you tell us the name of your race-horse friend with whom you talked relating to this subpoena last night? A. He is the one I went to the time I was in trouble before.

Mr. Ransom.—Do you think, Mr. Goff, you ought to press that question?

Mr. Jerome.—Yes.

Mr. Goff.—Yes.

Chairman Lexow.—If the witness has any delicacy about giving the name in public, why don't you give it in private?

Mr. Goff.—I ask you to give the name to the chairman in private.

Chairman Lexow.—I would rather you received the name.

Mr. Goff.—Will you give me the name of your friend in private?

The Witness.—Yes, sir.

Mr. Goff.—Give it to me. (The witness gives the name to Mr. Goff.)

Q. Now, Miss Harvey, this friend of yours obtained a lawyer? A. No, sir; he did the last —

By Chairman Lexow:

Q. The first time? A. Yes; the first time.

By Mr. Goff:

Q. You were arrested more than once, weren't you? A. No, sir.

Q. When you say the last time, what do you mean? A. I mean this lockup.

Mr. Ransom.—This conversation with the friend about the subpoena was the last time she mentioned.

Mr. Goff.—Yes.

Q. This friend of yours told you last night not to tell anything on the stand, didn't he? A. No, sir; he told me to tell the truth, and nothing but the truth.

Q. Do you remember the lawyer who was in court when you were brought to Jefferson Market? A. Well, I couldn't say; I think it was Moss, or—I couldn't tell you that; I think it was Moss; I don't know.

Q. Moss? A. Moss, Moss, or Mose—Mose, if I am not mistaken.

Q. It was someone from the firm of Messrs. Howe & Hummell, wasn't it? A. Yes, sir.

Q. And this friend of yours went and obtained this lawyer for you? A. Yes, sir.

Q. Now, Miss Harvey, can you tell the truth to these Senators, whether or no you paid money to this lawyer, or any lawyer, for the purpose of fixing the matters with the police for you? A. I never paid a cent for it.

Q. Did you ever pay a cent to your friend whose name you have mentioned to me? A. I did not, sir.

Q. The race-horse man? A. Yes.

By Chairman Lexow:

Q. You mean you got your legal advice and everything free? A. I went down there when I was brought—he got me a lawyer and bondsman, and they put me under bonds the first morning, until the 15th or 20th, a month or so afterward, until the 20th, and when I was brought before the judge I was discharged; I know he did not give anything.

Q. You did not give him anything? A. No, sir.

Q. Neither for the bond nor for the advice from the lawyer? A. No, sir.

Q. Were you over night in the station-house? A. No, sir.

Q. Were you discharged without bond, at once, when you were brought before the judge? A. In the morning.

Q. You say the next morning you had to give a bond to appear 15 or 20 days later? A. I don't know who gave that bond.

Q. You don't? A. No, sir.

Q. At night, when you were brought to the station-house, there was a bond asked for you? A. Yes, sir.

Q. You gave two bonds, then; one you gave at night, and one the next morning? A. Yes.

Q. Do you know who was on your first bond? A. I could not tell you that.

Q. Did Captain McLaughlin himself take you to the station-house? A. No; a detective.

Q. A detective? A. Yes.

Q. Was he a ward detective? A. I couldn't tell you that.

Q. How many of them were together? A. I think five or six.

Q. Did you have any conversation with them on the station-house or on the way to the station-house? A. No, sir.

Q. Have you seen any of those detectives since? A. No, sir.

Q. Not even a man who arrested you? A. Only at the time I—in Jefferson Market, next morning; I have never seen him since.

Q. Did anybody appear against you on the 20th, the day of adjournment? A. Yes, sir.

Q. Who appeared against you then? A. I could not tell you that.

Q. Was it the same detective who arrested you? A. No, sir.

Q. Who was it; do you know? A. I don't know.

Q. Anybody connected with the police department? A. Yes.

Q. It was a policeman, was it? A. I couldn't tell you that.

Q. Was he in uniform? A. No, sir.

Q. He came to your house and got a room? A. Yes, sir.

Q. And then made this charge against you? A. Yes, sir.

Q. And appeared on the adjourned day and testified against you? A. Yes, sir.

Q. And notwithstanding his testimony you were discharged? A. Yes, sir; I was not discharged the next day; I was put under bonds.

Q. No one taken out of the house that night but yourself? A. No, sir.

Q. You did not deny before the justice, did you, that he had come to your house and slept in one of your rooms with another woman? A. I could not remember him.

Q. Did you deny it? A. No, sir; I did not say anything; I was tried for disorderly house, and was discharged.

Q. And you didn't say anything at all? A. No, sir.

Q. He gave his testimony that you had been keeping a disorderly house, and, notwithstanding that, the judge discharged you, without any fine, and without imposing any penalty at all? A. Yes, sir.

By Senator O'Connor:

Q. Were you sworn as a witness before Justice Brady? A. I don't remember that.

Q. Do you remember whether you went on the stand and gave the judge any explanation? A. A lawyer talked for me.

Q. You denied on that occasion you kept one of those houses ?
A. I didn't open my mouth.

Q. You didn't say anything ? A. No, sir.

Q. Are the police in that neighborhood there acquainted with your house ? A. I don't know, sir.

Q. Do you know whether or not they knew there was such a house there ? A. I don't know, sir.

By Chairman Lexow:

Q. Did they ever from that time on make any attempt to molest you ? A. No, sir.

Q. No other officer went to your house and attempted to get a room there ? A. Yes; they might have had a room and I did not remember them.

Q. But never made any charge against you ? A. No, sir.

Q. The same officer that got a room and made a complaint against you, did he ever come to your house again and have a room ? A. I couldn't tell you that.

Q. Don't you know he did ? A. I couldn't tell you that.

Q. You are not positive whether he did or not ? A. No, sir.

Q. Were you not on the lookout for him ? A. No, sir.

Q. You did not care whether he came again or not ? A. When I was discharged, not guilty of keeping a disorderly house I went on.

Q. Then officers could come in civilians' clothes and sleep there, and that the same judgment would be meted out against you, and you would be discharged, and, therefore, you did not pay attention to anybody that came to your house ? A. If anybody came there and got a room I did not know them.

Q. And you thought you were protected by reason of a judgment rendered against you in the first place ? A. Yes, sir.

By Mr. Goff:

Q. Did you see a lawyer last night ? A. No, sir.

Q. Anyone from a lawyer's office ? A. No, sir.

Q. Or this morning ? A. No, sir.

Q. Didn't your friend tell you he would go and see a lawyer ?
A. No, sir.

Q. Don't you know he saw a lawyer ? A. I don't know, sir.

Q. Didn't he tell you he would see a lawyer ? A. No, sir.

Q. Look at the subpoena; did you notice anything peculiar about it ? A. No, sir.

Q. Did you notice any name upon it ? A. No, sir.

Q. Look at it now ? A. Only what is up there.

Q. What name is that? A. Sawyer.

Q. You noticed that yourself, didn't you? A. He gave me his —

Q. You noticed it when the subpoena was served last night; you noticed it? A. Yes, sir.

Q. And you said, "Why, I know that man," did you not? A. Yes, sir.

Q. And Mr. Sawyer had been to see you before? A. Yes, sir.

Q. Who is Sawyer? A. I don't know the man; I only saw him that day.

Q. You remember the name? A. Yes; because he wrote it down on a piece of paper and gave it to me.

Q. He had been to see you before the subpoena was served upon you? A. He was to see me two or three days before.

Q. You had a talk about keeping a house? A. I said I had been closed there; he was in between the outside and inside doors; I said, "I have not opened my doors since last December and I can live here."

By Chairman Lexow:

Q. Did you say you had been closed? A. I said, "I have been closed here since December."

Q. By that who did you mean closed you? A. I closed of my own accord.

By Senator Bradley:

Q. Did you still pay the rent? A. It is my own house.

By Mr. Goff:

Q. You had quite a long talk with Mr. Sawyer about the place, hadn't you? A. No, sir.

Q. Not a word? A. I said to him, I said, "How is it they have got me in this side?"

Q. Yes; well, but didn't Sawyer ask you if you had not paid money for protection? A. No, sir.

Q. Didn't he say a word to you? A. He showed me on it where it stood on the corner, it was Mr. Goff and my name, and my address, and Captain Connors, \$500, and \$275 or \$375 or \$300 — \$500, I gave him, he said, and it was on this piece of paper, and \$50, \$75 a month.

Q. That is it; yes; and you said, you were frightened at the figures he produced; didn't you? A. No, sir.

Q. Didn't he take down those figures in your presence? A. I couldn't tell you that, sir.

Q. Didn't he write down those figures in your presence? A. No, sir.

Q. Will you swear he did not? A. I won't swear to it; no; I am not sure.

Q. Isn't it the truth that Mr. Sawyer, in your presence, wrote down the figures \$500, for certain captains; isn't that true, in your presence? A. No, sir.

Q. Didn't you see him write at all? A. He wrote down Mr. Sawyer, his address.

Q. Didn't he write down \$500 to this captain and \$500 to that captain? A. No, sir.

Q. Didn't you talk about it? A. No, sir.

Q. Not a word? A. No, sir; when he showed me this piece —

Q. Wait a while, please; when you said, a moment ago, that he put down \$75 where you had been paying \$50, what did you mean? A. I did not say I had been paying \$50; I have never given anything to the police; he had on this when he showed it to me, and I said, "I don't know what this means;" I said, "I have not had any dealings with the police."

Q. And did you have any talk with him about this Senate committee? A. No, sir.

Q. Not a word? A. No, sir.

Q. You mean to say you did not say anything to him about whether the Senate committee would break up the police blackmail? A. No, sir.

Q. Not a word? A. No, sir.

Q. Nor to the man last night? A. No, sir.

Q. You did not talk about politics at all, did you? A. I know nothing about politics.

Q. Did you mention Tammany Hall last night? A. No, sir.

Q. Now, your friend has told you to answer no to every question; hasn't he? A. No, sir.

Q. Did he tell you how to conduct yourself to-day on the stand? A. No, sir.

Q. Did you ask him how to conduct yourself? A. No, sir.

Q. What did you tell him about the subpoena for? A. Because I had to go to someone.

Q. Where was he when you went to him? A. Up at the Brower House.

Q. That is Twenty-eighth street and Broadway; and you went to him after you got this subpoena; didn't you? A. Yes, sir.

Q. And you remained quite a time with him at the Brower House? A. No, sir.

Q. How long did you remain? A. I did not remain with him at all; I left a note.

Q. You did not see him? A. I saw him last night.

Q. He called at your house? A. Yes, sir.

Q. What did you say to him in the note? A. I said, "I want to see you," that is all, "as soon as you get this."

Q. Didn't you say you had got a subpoena for this committee?

A. Not by the letter, I didn't; I showed him this after he came to my house.

Q. What did you go to him for after you got this subpoena?

A. Because I wanted a friend; that is all.

Q. What did you want a friend for? A. I don't know.

Q. You don't know; didn't you ask the man who served the subpoena last night if you wanted a lawyer? A. Yes, sir.

Q. And didn't he tell you you did not want a lawyer? A. Yes, sir.

Q. Didn't you ask him if it would cost you anything to come down here, and he said it would not? A. He said I would get 50 cents.

Q. That instead of it costing you anything that you would get 50 cents? A. Yes.

Q. Didn't you tell him that if the Senate committee would break up Tammany Hall this fall you would be glad of it? A. No, sir.

Q. You made up your mind to answer no to everything, haven't you? A. No, sir.

Q. Made up your mind to swear your way out of it? A. No, sir.

Q. Answer "No, sir," to every question; wasn't that told you? A. No, sir.

Q. Not to give away anything? A. No, sir.

Q. Well, now, what did your friend tell you to do or say here?

A. Why, he told me to tell the truth; that is all.

Q. You mean to say that your friend that you got from the Brower House went down to your house and told you to tell the truth? A. Yes, sir.

Q. Well, tell us, now, what you said to your friends last night; tell us what you said first to your friend? A. Why, I just told him I wanted to see him.

Q. I would like to look at you, because you are an attractive-looking lady, and would rather look at you than you look at your fan; tell us what you said? A. I said, "How is it they have got me in this;" I said, "I never kept any house, only a furnished room; it is funny they got me; what have they got me for?"

Q. What did he say? A. I couldn't tell that; I have forgotten.

Q. Oh, have you forgotten that; and he remained silent? A. Did he remain silent?

Q. Yes? A. He is not a man that has much to say, any way.
 Q. Did he remain silent last night? A. All he said to me is, "There is no use of your worrying; you have got to go down there;" that is all.

Q. Is that all he said? A. Yes.

Q. That is all you said to him? A. I said, "It is very funny they have got me."

Q. Did you say anything else to him? A. No, sir.

Q. So you went to your friend at the Brower House and left a note, just to say what you have told us? A. Yes.

Q. And he to say to you there was nothing but to go down there and tell the truth? A. Yes, sir.

Q. Your friend is mixed up in horse-racing, you say? A. Yes, sir.

Q. And a book-maker? A. Yes, sir.

Q. Follows the races? A. Yes, sir.

Q. And this friend of yours, a race-track follower and a book-maker, told you to tell the truth? A. Yes, sir.

Q. And that is true? A. Yes, sir.

Q. That he told you that? A. Yes, sir.

Q. Is there any one in this court-room that you know? A. That gentleman over there, that was there last night.

Q. Anyone else?

Mr. Ransom.—That is hardly fair.

Q. I only want to know, Miss Harvey, if you have any special understanding with anyone in the court-room as to your looks and actions here on the witness stand? A. No, sir.

Q. Do you know if there is any messenger, or any clerk, or any person in any lawyer's office in the city that you are looking around for? A. No, sir.

Q. Did you understand any friend was to come to court for you? A. No, sir.

Q. Is there any friend here? A. No, sir; not to my knowledge: I don't know that there is any.

Q. Weren't you told there would be a friend to look after you here? A. No, sir.

Q. How came you to court this morning? A. Alone.

Q. Did you leave your house this morning? A. Yes.

Q. On Twenty-fourth street? A. Yes.

Q. Came directly here? A. I went over the Brooklyn Bridge.

Q. Why did you go over the Brooklyn Bridge? A. I came back again.

Q. Why did you go over the Brooklyn bridge before you came here? A. Because it was not time to come; I wanted to get a little fresh air.

Q. You rode in the cars and rode back again? A. Yes.

Q. Did you see anyone you knew? A. No, sir.

Q. Talk to anyone? A. No, sir.

Q. Did you talk to anyone from the time you left your house this morning until you came into court here? A. Only this gentleman.

Q. You saw your friend this morning? A. Yes.

Q. Where? A. He went to go to the races.

Q. Where did you see him? A. Up at the Brower House.

Q. Then you went to the Brower House this morning? A. Yes, sir.

Q. What time? A. I couldn't tell you that.

Q. Did you go to the Brower House before you came down here? A. Yes.

Q. Did you have an arrangement with your friend last night to go to the Brower House this morning? A. I went there to get my breakfast.

Q. Did you have an arrangement with your friend last night to go to the Brower House this morning? A. No, sir.

Q. Don't you cook your meals in your own house, or your servant? A. Cook my meals there.

Q. How is it you did not take breakfast this morning in your own house? A. Because I did not feel like it; I had a cup of tea in the Brower House and went over the bridge.

Q. Did you see anyone in the Brower House you knew? A. Yes.

Q. You met him there again? A. Yes.

Q. He went with you to the Brower House? A. No; I met him in there.

Q. After you met him at the Brower House, you talked with him this morning about this subpoena, didn't you? A. Yes, sir.

Q. And I suppose he told you again to come down and tell the truth? A. Yes.

Q. Nothing else? A. No, sir.

Q. Not a word? A. No, sir.

Q. Never uttered a word there, except to tell you to come and tell the truth? A. No, sir.

Q. Was Police Captain Williams name mentioned? A. No, sir.

Q. Or any police captain? A. No, sir; I said, "It must be for what they have gotten me up here now was on account of being arrested two years and a half ago."

Q. When did you say that? A. Last night or this morning.

Q. You told us a while ago you gave us all a conversation you had last night; is your memory getting refreshed; are you refreshing your memory, Miss Harvey? A. No, sir.

Q. Will you give us the whole of the conversation you had at the Brower House this morning? A. I don't know; I don't remember it.

Q. Has it escaped your memory so rapidly, that you don't remember? A. Yes; well, he told me I was to come down and tell the truth.

Q. We have had that a good many times; can't you give all you said to him and he said to you? A. I could not remember all.

Q. Can't you remember a little more than what you have told us?

By Chairman Lexow:

Q. Was there so much more that you can not remember all? A. Some nonsense stuff, I suppose, that I don't remember.

Q. But nothing relating to this investigation here, or to what you were to testify before this committee; was there so much spoken about that that you can not remember the details of it? A. He said to me—I said to him—I said, "Shall I go in the private room;" he said, "No;" he said, "Go right down and tell the truth, and that is all."

By Mr. Goff:

Q. Did you know he was to be at breakfast at the Brower House this morning? A. Yes, sir.

Q. When did you know that? A. Last night; he lives there.

Q. You made an appointment with him, didn't you? A. Yes, sir.

Q. Why didn't you say that before; now, when you said in answer to my question that you did not make an appointment with him, did you tell the truth at that time? (No answer.)

Q. Please favor me by looking at me; when you told me a little while ago— A. We talked a lot.

Q. Wait a while; when you told me a little while ago that you did not make an appointment with your friend last night at the Brower House this morning, did you say what was true? A. No, sir.

Q. And there are a good many other things that you have said this morning that are not true, are there not; a good many other things? A. I don't know, sir.

Q. You are a little excited? A. The only thing I know—

Q. You are a little excited?

By Chairman Lexow:

Q. Is it not a fact that you told a good many things here this morning that are not true? A. I don't know.

Q. But you are not certain about it? (No answer.)

Q. Is that so, Miss Harvey; how is that? A. All I know is, I never gave up any money to the police or nothing —

By Mr. Goff:

Q. Oh, yes; but the chairman's question?

By Chairman Lexow:

Q. Was that part of the conversation of this morning with your friend? A. Yes, sir.

Q. You spoke of whether or not, you would be asked about giving up money to the police? A. I said, "How is it they have got me?" That is all.

Q. Did you tell him at that time, you had not given up any money to the police? A. He knows I had not.

Q. Did he do the business for you? A. No, sir; I didn't have any business with them.

By Mr. Goff:

Q. Were you told to keep cool on the witness stand, this morning, weren't you; didn't your friend tell you to keep cool? A. Yes; he says to be, "You answer their questions, and tell the truth; that is all."

Q. He told you to keep cool, didn't he? A. Yes, sir.

Q. And he told you that you should not get excited, didn't he? A. I don't remember that.

Q. He told you to keep perfectly cool, didn't he? A. I guess so.

Q. Isn't that so; didn't he tell you to keep perfectly cool this morning? A. I don't remember that.

Q. You don't remember that? A. No.

Q. Don't you remember him telling you that if there was any question —

Senator Bradley.—You answered yes to that question two minutes' ago? A. I said, "Will I be up there before a whole lot of people?" And he said, "Yes; go up there and tell the truth."

Q. Wasn't there something said about if any question was asked you, if you did not understand it to say you did not recollect? A. No, sir.

Q. Did you hear those words this morning? A. No, sir.

Q. Was there anyone with this friend of yours at the Brower House this morning? A. No, sir.

Q. Did you talk with nobody else? A. Yes.

Q. Sure of that? A. Yes.

Q. Be careful? A. Yes.

Q. Did you see anybody in the Brower House this morning that you knew outside of your friend? A. No, sir.

Q. And speaking about this \$75 a month, you objected to the figure \$75 a month, didn't you? A. No, sir; he showed me the piece of paper, and I said, "I don't know what it means."

Q. Didn't you say you had been paying \$50 and the money was raised to \$75? A. No, sir.

Q. Didn't you say anything about it? A. No, sir.

Q. He talked to you about money matters? A. No, sir.

By Chairman Lexow:

Q. Not at all? A. The man yesterday?

Q. Yes. A. The man last night only give me the summons, that is all; and he says, "When you go down there to-morrow, you tell the truth," he says; I says, "You bet, I will tell the truth," just like that.

Q. Do you mean to swear now that nothing was said between you and him with reference to money matters at the time? A. Yes, sir.

Q. Not a word? A. He said that; he said, "When you go down there, you tell the truth, and nothing but the truth."

Q. You understand my question, don't you; was anything said between you and him on the subject of police protection and money matters at that time? A. Last night?

Q. Yes. A. Yes; he said, the Lenox men were going to down him.

Q. What do you mean by that? A. He said they would knock out Tammany.

Q. They were going to knock out Tammany? A. Yes.

Q. I mean about money matters?

Senator Cantor.—The subpoena server said they were going to knock out Tammany?

By Chairman Lexow:

Q. Was anything said about money payments? A. No, sir.

Q. Not a word? A. He said, "If you have given up anything you turn around and tell it."

Q. And nothing else? A. No, sir.

Q. Why did you say a little while ago he had spoken about \$500 to Captain Connors? A. Not that man; another man; day before yesterday, Mr. Sawyer.

Q. Did he speak about \$500? A. He showed me a piece of paper that had \$500, and \$75 a month on it.

Q. And did you tell him on that occasion those were the correct figures? A. No, sir.

Q. Did you find fault with the figures? A. No, sir.

Q. Did you have any dispute or argument with him about the figures? A. No, sir.

Q. Not a word? A. No, sir.

By Mr. Goff:

Q. When you looked at your subpoena last night you saw Sawyer's name to that; did you call the subpoena server's attention to it? A. Yes.

Q. You remembered Sawyer's visit to you? A. Yes.

Q. Do you remember telling the subpoena server the conversation you had with Sawyer between the two doors? A. Yes.

Q. You remember telling him you were surprised how exact he had the figures? A. No, sir.

Q. Something like that? A. No, sir.

Q. Didn't you see a man in company with your friend in the Brower House this morning that told you how to answer questions here to-day? A. No, sir.

Q. That is true, too? A. Yes, sir.

Q. You are not mistaken about that? A. No, sir.

Q. Didn't you tell the subpoena server last night you would come here and give up everything? A. No, sir; I said, "They are not going to get any money out of me; I have not got anything;" he said to me, "I know you will get 50 cents."

Q. Did you ask him if the Lexow committee was going to take any money from you; didn't you? A. No, sir.

Q. What did you say? A. I said, "Well, they are going to get any money from me."

Q. You said? A. Yes, sir.

Q. Did you expect this Senate committee—did you think this Senate committee was going to make you give up to them; did you? A. I don't know.

Q. What made you ask that? A. When I—

Q. Wait awhile; what made you ask that question? A. I am not a lawyer.

Q. When you never paid money for a lawyer before, did you think the lawyers were going to take money from you? A. I did not know; I suppose I had someone to protect me, and speak up for me, and I not do all the talk.

Q. You asked this subpoena server whether you would have a lawyer? A. Yes.

Q. What lawyer had you in mind when you asked him that? A. I have not got any.

Q. What lawyer had you in mind when you asked him that?
A. Not any lawyer.

Q. You expected to get your friends to procure a lawyer for you? A. No, sir.

Q. What made you ask the question? A. The little gentleman said last night the Lenox committee would give me a lawyer.

Q. When you say Lenox, I suppose you mean Lexow, is that the name? A. Yes, sir.

Q. Is it Lenox or Lexow? A. Lexow.

Q. Why did you say Lenox three times, one after the other?
A. I don't know.

Q. Did you ever hear of Lenox before? A. I thought that was the way they pronounced it.

Q. Did you ever hear of the Lenox club? A. No, sir.

Q. Does this friend of yours belong to the Lenox club? A. No, sir.

Q. How do you know he don't belong to the Lenox club; how do you know that? A. By reputation.

Q. If you never heard of the Lenox club before, and you don't know whether there is a Lenox club or not, how do you know this friend of yours don't belong to the Lenox club? A. Because I did not think they would have him in it; there are gentlemen in there.

Q. Turn around please; you are answering at random? A. I did not think they would have a sporting man in the Lenox club.

By Senator Bradley.

Q. Do you remember seeing me on the Brooklyn bridge this morning? A. No, sir.

Q. Did you see me at the terminus on the Brooklyn side this morning? A. No, sir.

Q. Who was that gentleman talking with you when you got off the cars? A. That same gentleman.

Q. Who was the other gentleman standing beside him? A. I don't know, sir.

Q. Wasn't he in conversation with you, too? A. No.

Q. Didn't you notice me on the bridge? A. No, sir.

Q. Didn't you see the gentleman pointing to me when I was walking on the bridge? A. No, sir.

By Chairman Lexow:

Q. Miss Harvey, a few questions more; did you go right on with your house as it had been on the very next day after your arrest? A. No, sir.

Q. Did you close it? A. I closed it, I guess, two or three weeks.

Q. You kept it closed two or three weeks? A. Yes.

Q. And then reopened it? A. Yes.

Senator Bradley.—The Judge wants to hear those answers.

By the Chairman:

Q. Then you reopened it as soon as you were discharged? A. Yes; no — after the trouble; I think a week or 10 days; I don't know exactly.

Q. You kept closed a week or 10 days after you were arrested and were discharged? A. I couldn't tell that for sure; I think I opened soon after I was discharged, not until after the 15th or 20th, when I was called up for trial.

Q. Had you kept your house from the time of your arrest and the time of your discharge absolutely closed? A. No, sir.

Q. You had it opened, didn't you? A. Yes.

Q. And it was carried on just the same as it had been before, wasn't it? A. Yes, sir.

Q. And did you make any difference in the way in which you carried on that house after your discharge than you had carried it on previous to your arrest? A. No, sir.

Q. Conducted it exactly the same way? A. Yes, sir.

Q. With the same people, and for the same customers? A. I don't know, sir; I don't know my customers.

Q. You never see them? A. I have seen them; but I don't know who they are.

Q. Have you a housekeeper? A. No, sir.

Q. Who represents you? A. Myself, alone.

Q. You say you never see the people? A. I say I don't know the people; I don't know them by name.

Q. They come in and go without your knowing who they were? A. Yes.

Q. You carried on your house, notwithstanding the proceedings had been taken against you, in exactly the same way afterward that you had before? A. Yes, sir.

Q. Take any additional precautions? A. No, sir.

Q. Was not on the lookout for the police? A. No, sir.

Q. Didn't care about the police at all? A. Because I was discharged, and thought everything was all right.

By Mr. Goff:

Q. Now, Miss Harvey, will you look down this way; is there any gentleman in view that you recognize; look down this way here; do you recognize any one here? A. No, sir.

Q. Did you come into court with any man this morning ? A. No, sir.

Q. What ? A. No, sir.

Q. Who opened the gate for you into the wicker there ? A. I didn't pay much attention.

Q. Was it a man or woman opened it for you ? A. A man.

Q. Who was he ? A. I did not look at his face.

Q. Did you ever see him before ? A. I did not look at him.

Q. Did you ever see him before ? A. No, sir.

Q. Do you know who he is ? A. No, sir.

Q. How was he dressed ? A. I couldn't tell you.

Q. Didn't he walk into court with you ? No, sir; I came up in the elevator, and asked a gentleman down stairs where the committee-room was; and in a little room right next the elevator, and I came up stairs and asked another gentleman outside the door where this room was.

Q. Who was the gentleman you asked outside ? A. I could not tell you that, sir.

Q. Did that gentleman come in and open the gate for you ? A. No, sir.

Q. By the way, did you ever hear of such a thing during your 10 years' keeping house as women paying for protection ? A. Yes, sir.

Q. And you knew that was a common thing all around, didn't you ? A. Reading it in the paper.

Q. Did you ever hear it from anybody else ? A. No, sir.

Q. And that is true ? A. Yes, sir.

Q. Did you ever think you would be called upon to pay protection money ? A. No, sir.

Q. You knew that women like you, who keep houses like you do, did pay protection, didn't you ? A. I never had any cause; I never kept a regular house; I only furnished rooms.

Q. Did you ever send out for girls to Georgiana Hastings's ? A. No, sir.

Q. Or to Lucy McCarty's ? A. No, sir.

Q. Or to Mrs. Shaw's ? A. No, sir.

Q. To any house ? A. No, sir.

Q. You have cards printed, haven't you ? A. Yes, sir.

Q. Have you got any with you ? A. No, sir.

Q. Any of your business cards, I mean ? A. No, sir.

Q. You sent your cards around to the hotels, didn't you ? A. No, sir.

Q. Where did you keep your cards ? A. In the hall.

Q. In the hall, in a card-case ? A. Yes.

Q. Tell us what is on your cards ? A. M. Harvey, 144 West Forty-fourth street.

Q. Did you sell wine in your house? A. Yes, sir.

Q. Opened wine; you have not got a license? A. No, sir.

Q. And the gentlemen who patronize your house buy this wine and open it? A. Very little, I have.

Q. I have not asked what you have; it is purchased in your house, and they open the wine in the rooms? A. Yes, sir.

Q. And they pay you so much for each room they occupy? A. Yes, sir.

Q. How much? A. Two dollars.

Q. Two dollars for each room; and you kept those in your house all night or pretty near all night? A. Up to 12 o'clock.

Q. Your house is open after 12 o'clock? A. No, sir.

Q. No one can get in after 12 o'clock? A. Yes.

Q. By pulling the bell? A. If I feel like getting up.

Q. You have a housekeeper who attends to the business? A. No, sir.

Q. Who opens the wine? A. Myself.

Q. You open the wine? A. Yes, sir.

Q. Do you know some cabdrivers? A. No, sir.

Q. Cabs frequently drive up to your house? A. No, sir.

Q. Your patrons always come on foot; is that it? A. When they come there I never take any notice of it.

Q. Will you step here in this chair one moment, Miss Harvey?

Edgar A. Whitney, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Now, raise your voice so all the press men can hear you? A. Yes, sir.

Q. You have been connected with a society called the Dr. Parkhurst Society? A. I have.

Q. And you are engaged now in the service of subpoenas for this committee, under my directions? A. I am.

Q. Did you serve the subpoena upon this woman, Miss Harvey, last night? A. I did.

Q. Go on and state to the committee without any question from me what conversation took place between you and this woman last night?

Mr. Ransom.—Mr. Chairman, I wish to suggest that, in the orderly course of the investigation, I think it is right and fair to these defendants there should be some, at least, pretense of deference to legal proceedings; and that this witness should be set aside and put in a chair to be confronted by some other witness who is called to contradict her story, I think, is out of order; and I object to it. I suggest, respectfully, to this

committee, who are composed of lawyers, and are fair men, and are desirous of getting the truth in this proceeding, and I desire to assist them in that; and I think this young man should be called as a witness after this witness has been exhausted, and then he may go on the stand and testify.

Chairman Lexow.—I suppose it is for the purpose of refreshing the recollection of Miss Harvey.

Mr. Ransom.—Surely, you can not be in earnest about that, because Mr. Goff has interrogated this witness at great length in regard to the persons in her view. Mr. Whitney has been here paraded so she could see him very well.

Chairman Lexow.—If a document can be used for refreshing a witness' recollection after a witness has testified to facts under interrogatories, I do not see why the witness should not be used for that purpose.

Mr. Ransom.—The precedent you had in mind was the trial of the distinguished individual in Washington, the Breckinridge trial. I suppose that is the case. I know the court there ruled the document might be used, and if you rule on that as a precedent, I do not know that there can be any overruling.

Senator O'Connor.—We want to get at the truth if we can; she is a good witness for the defense.

Mr. Ransom.—I do not know whether she is or not; she could be rated to Senator Bradley's friends, to whom he referred Tom Pepper. I can not say as to that. She is a witness I do not know anything about, and she has been literally baited upon the stand here, and she is entitled to the ordinary respect of every man of chivalry who has a mother, should pay to a woman, because she is a woman. And there should be a limit; there should be a time when even the distinguished counsel filled with zeal, which is wholly, if you please, there should come a time when he should stop.

Senator O'Connor.—She can take care of herself.

By Mr. Goff:

Q. Go on and state the conversation that took place between yourself and this woman last night in reference to this subpoena at the time you served it? A. I went to Miss Harvey's house about 7.30, and went up the front stoop, and rang the bell, and there was a colored servant girl came to the basement area, and asked me to come in that way; I went down and asked if Miss Harvey lived there, and she said she did; she asked me who I was and what I wanted; I told her I had an important paper to show her, and Miss Harvey came to the door, and she asked me to

come in, and read it over, and asked what it was; I told her they wanted her to come down and testify before the Senate Investigating Committee; she said, "Why is it that they take me when the street is full of such houses as mine?" I said, "I suppose they will all have to take their share;" she says, "Have you got any for anybody else in the street?" I said, "I have not; there are a number of other subpoena servers, and possibly they have, and she then caught the name—looked at the corner of the subpoena, and saw the name of Mr. Soyer written across the corner of it.

Q. Just look at that subpoena there? (Witness looks at the subpoena.)

Q. That is the subpoena, is it? A. Yes, sir.

Q. Go on? A. She says, "C. Soyer; he was the man that was at my house the other evening," and she said, "I was talking with him for an hour up in the confession box."

By Senator O'Connor:

Q. What was that? A. She was talking with him half an hour up in the confession box.

Q. Did she explain where it was? A. I am simply giving her words, and they are her exact words; she said, "He had a paper which he showed me, which made me shake with fear, because he had the identical figures on that paper, \$500 for the captain, and \$75 a month, which I paid;" I said, "How long have you been in this house?" She says, "Between nine and 10 years;" I said, "Who was the first captain of the precinct when you came to this house?" and she said, "Captain Williams;" I said, "Is he the first man that was paid to?" She said, "Yes, him, McLaughlin, Connor, Schmittberger, and she named one other; I think it was Reilly; I would not say positive about that; then she asked me if it would cost her anything to come down here; I said, "It will cost you nothing, and I believe they will give you 50 cents for your car-fare down there; she says, "Will I need a lawyer?" I said, "You will not; the police have a lawyer there on their side of the case, and Mr. Goff is counsel for the committee, and I said, "They will protect you;" I said, "All you have got to do is to go down there and tell the truth."

Mr. Ransom.—Who was to protect her? A. The committee; I said, "All you have to do is to come down and state the truth and nothing but the truth;" she said, "Can they lock me up?" I said, "Not unless you commit perjury; she says, "I must go and see somebody;" I said, "Are you to go to see the police?" she said, "What, those God damned sons-of-bitches; no, the stinken bastards, I wouldn't go to them;" those are the exact words she said; she then asked me if I thought it

would break up Tammany Hall; I said, "I don't know whether they will or not;" she said, "Do you think I can run my house, if they are closed up?" I said, "I don't know about that;" and she said, "I hope to Christ they do break up Tammany Hall, and I can open my house again and make some money, which I have not done in the past;" I thereupon bid her good-by and left.

Cross-examination by Mr. Ransom:

Q. How long have you been at work for the Parkhurst Society?

A. One year and a little over.

Q. What is your salary? A. Is it necessary I should answer the question?

Q. Certainly? A. Twenty dollars a week and expenses.

Q. Where were you born? A. In Maine.

Q. What place in Maine? A. Bancroft.

Q. How old are you? A. Twenty-eight years old on the 9th day of last March.

Q. Are you a married man? A. I am.

Q. Have you a family living in the city of New York? A. I have; there was an increase last night.

Q. Your wife is aware of the business you are engaged in? A. She is.

Q. And approves of it? A. She has perfect faith and confidence in me, as also has Dr. Parkhurst.

Q. Have you any children? A. I have two—I had one last night—my wife did.

Q. Was this interesting event happening at the time you were visiting the house of this women? A. It was; yes, sir; I discovered it there when I got home at 9 o'clock.

Q. Where were you educated, young man? A. Where was I educated?

Q. Yes? A. Bangor, Maine.

Q. Graduated from some school or college? A. High school.

Q. What is the name of it? A. Bangor High School.

Q. Bangor High School? A. Yes, sir.

Q. Tell me how you came to enter the employment of Dr. Parkhurst's Society? A. I went and made an application.

Q. You made an application? A. I did, to Superintendent Wissel.

Q. You gave credentials? A. I did.

Q. A certificate of character from somebody? A. I did.

Q. You never have had any personal trouble in your life, have you? A. In what respect?

Q. Any respect; have you ever been charged with any crime? A. Never.

Q. Never in your life? A. Never.

Mr. Goff.—I wish to state to the committee right here the Judge has pursued this line of questioning to a number of witnesses, "Have you ever been charged with crime; have you ever been arrested?" It is not only the rulings of the courts, but the positive statute laws of this State that such questions are incompetent, to ask them.

Chairman Lexow.—We understand that. We have allowed lots of questions that would not be competent.

Mr. Ransom.—I feel that I ought to state to the committee, and through the committee, to Mr. Goff, my sense of obligation by pointing out in his remarks the distinction which he always makes between the intimidation and the attacks which he makes on the witnesses when he takes the latitude to fish, and try to attack and destroy the credibility of the witnesses by any question.

By Mr. Ransom:

Q. Now, Mr. Witness, were you ever arrested in a gambling-house? A. I was.

Q. Were you there in the service of Dr. Parkhurst's Society? A. I was not.

Q. Was you there on your own business? A. I was.

Q. Was you there for the purpose of entertaining yourself by gambling? A. I was not.

Q. Was you there for the purpose of profit yourself by winning at the game? A. I was not.

Q. Did you play? A. No.

Q. What were you there for? A. I was on business; I had a bet with the man that ran the place; I bet him \$5 he could not open his place 48 hours without having the police knowing it; he had been paying Mr. James Reilly; Captain Killelea's wardman.

Q. You have been testifying under the obligation of an oath? A. Yes.

Q. Do you swear to a Protestant or Catholic Bible? A. If I take an oath, it don't make any difference whether I take an oath on the Protestant or Catholic Bible; an oath is an oath to me.

Q. Now, you are meaning, and take it to tell the truth under the obligations of an oath? A. Meaning to tell it; I am telling it.

Q. Did you not just testify that certain police officers had been paying protection money—this roundsman—did you just testify? A. That certain police officers had been paying protection money?

Q. Had been receiving protection money? A. Yes; I paid some of it myself.

Q. Tell me the man whom you paid some of the money to? A. Jimmie Reilly; Captain Killelea's wardman; in Captain Killelea's presence.

Q. When? A. Eighteen hundred and eighty-nine or 1890.

Q. What business; what unlawful business was it you were employed to secure protection for? A. I will tell you; the fellow that ran this —

Q. Answer the question? A. Give me a chance to answer it.

By Chairman O'Connor:

Q. Tell the whole business? A. There was two men running a gambling place up in Broadway, and there was a man of my acquaintance; he was a friend of mine; was going to buy this place out; he could not get the protection from the police; he got one of these gentlemen to take me down and introduce me to Captain Killelea and Mr. Reilly and see if I could not get protection of them, which I did.

Q. Were you then employed by the Parkhurst Society? A. No, sir.

Q. What business were you then? A. In the detective business.

Q. On your own account? A. Yes, sir.

Q. You go floating around the streets picking up any money you could by detecting something? A. No, sir.

Q. Were you employed by anybody else to see the police to get protection? A. I was not employed by this man.

Q. You were requested by this man? A. I was asked to do it as a favor to him.

Q. Did he pay you for your services? A. No, sir; I did not ask anything.

Q. Did you expect to get anything? A. No.

Q. You succeeded by paying to him — Reilly, the wardman, in getting protection for this place? A. Yes, sir.

Q. You said that was in the presence of the captain when it was paid? A. In the presence of the captain, and once I gave the money to Captain Killelea in an envelope.

By Mr. Ransom:

Q. Where was this place? A. This gambling place?

Q. This place you paid to have protection? A. No. 1616 Broadway.

Q. A gambling place? A. Yes.

Q. How much did you pay Reilly? A. Twenty-five dollars.

Q. Who was present when you paid it to him; this time you paid him \$25? A. Nobody but myself.

Q. Where was it? A. In the station-house.

Q. When was it? A. Eighteen hundred and eighty-nine or 1890; I couldn't tell positively now; I think it was in the fall of 1889, and it ran into the spring of 1890.

Q. Sometimes you paid this money in the presence of Captain Killelea? A. Yes, sir; the first payment was made in the presence of Captain Killelea.

Q. The second time that you paid the man Reilly some money was in the presence of Captain Killelea; where? A. In the station-house; Captain Killelea was at the desk.

Q. At whose desk? A. Captain Killelea was behind the desk and Jimmie Reilly was standing in front of the desk, and I went in and passed him the envelope.

Q. You mean to say that at that time you paid Reilly money in the perceptive presence of Captain Killelea? A. I guess he could see it.

Q. Did Captain Killelea know then you were paying Reilly money? A. I passed Reilly the envelope in his presence, with the money in it.

Q. You might have passed the envelope; what I want to get at is this, did Captain Killelea know you were then paying Reilly protection money; do you mean to swear to that? A. I don't know; there is no doubt but he knew it.

Q. I do not ask for your deduction; I ask you to state on your knowledge of facts, whatever that is; did Captain Killelea know you were paying Reilly protection money? A. I wouldn't swear to it; but I know he did.

Chairman Lexow.—Strike out, he knows he did.

Senator O'Connor.—He already testified he had made the arrangements with Killelea.

The Witness.—No; I made the arrangements with Reilly.

By Mr. Ransom:

Q. We will pass that; did you —

Chairman Lexow.—That is stricken out, "But I know he did."

By Mr. Ransom:

Q. Now, Mr. Witness, at that time did you have any talk with Killelea on the subject of paying money to Reilly? A. At which time; the second time?

Q. Yes; at the time you handed Reilly the envelope? A. I did not.

Q. Did Reilly have anything to say to you? A. He did not.

Q. Now, let us go to the next occasion when you say you paid Killelea money himself? A. Yes, sir.

Q. When was that? A. The next month.

Q. You must give me the month, if you can? A. I won't say positively; it was right in the fall of 1889, I think; perhaps, the 1st of January; perhaps, 1890; it was along that time; it was late in the fall.

Q. You were not in the employ of the Parkhurst Society at the time? A. I worked for Dr. Parkhurst's Society a year ago last May.

Q. At the time you paid Killelea money, you were on your own account as detective? A. I was.

Q. And you had no office? A. No, sir.

Q. What? A. Worked for private individuals.

Q. What sort of detective work was it you were engaged in? A. Serving subpoenas, looking up characters, shadowing.

Q. That is another name for spying? A. Oh, no; you might call it that way.

Q. What is the difference between shadowing and spying? A. You people employ a great many detectives to spy, and you know more about it.

Chairman Lexow.—Don't answer in that way, sir.

Mr. Ransom.—I am willing the witness should insult me.

The Witness.—I don't desire to insult you.

Chairman Lexow.—I don't think the counsel is justified in doing that to the witness, either.

Mr. Ransom.—I have not made any impertinent remarks to the witness. I have asked him fair questions.

Q. Now, will you state, if you please, in your mind, what is the distinction between shadowing and spying?

Chairman Lexow.—If there is a distinction say it, name it.

The Witness.—He can call it spying; I don't care to make any distinction.

Q. There is no distinction between the two? A. No; I don't know that there is.

Mr. Jerome.—Spying is a more offensive word than shadowing.

Chairman Lexow.—It is only in the name.

Q. Did you make any memorandum at the time of the payment by you of the money to Reilly? A. I did not; I done it for my friend.

Q. You did it for your friend? A. Yes, sir.

Q. Did you refrain from making a memorandum? A. Refrain from it?

Q. Yes. A. I have no occasion for it.

Q. Tell me how it is you recollect so clearly the transaction and the day, the date of the month, the year? A. I don't remember the month; I remember the year; the latter part of 1889, possibly the first part of 1890.

Q. I thought you said December or January? A. It was long that time.

Senator O'Connor.—He said in the spring of 1890, about 1890.

Q. In my country they call that midwinter; now, won't you relate to this committee all that took place when you paid Captain Killelea money personally? A. I will; I went down to the station-house with the envelope containing \$25, and went to the desk, and asked if Jimmie Reilly was in; he said he was not; I said I have the envelope for him from 1616 Broadway; he said, "I will take it, and pass it to him when he comes in."

Q. Was the envelope addressed? A. No, sir.

Q. Was it sealed? A. Yes.

Q. And it contained \$25? A. Contained \$25.

Q. In what shape was the money—what form? A. It was in \$5 bills, I believe.

Q. You recollect that? A. Well, they might have been two tens and a five, or all in one bill.

Q. It might have been a twenty and five ones? A. No; it was not; I remember there wasn't any smaller bills than \$5 bills.

Q. I wanted to get your recollection. A. I know there wasn't anything smaller than a \$5 bill put in.

Q. It was in currency? A. Yes, sir; United States bills.

Q. And the envelope was sealed? A. Yes.

Q. And it was not addressed to anybody; it was a blank? A. It was a blank.

Q. From whom did you receive the money? A. From the fellow that run the game.

Q. That was the third payment you had made, as I understand you, for protection? A. Yes, sir.

Q. For that game? A. Yes.

Q. Were you compensated for these services? A. I was not.

Q. Were you a frequenter of this place? A. I used to go up and take a hand occasionally.

Q. Take a hand? A. Yes.

Q. And one time when you were taking a hand you were arrested with the other gamblers? A. No, sir.

Q. You were arrested there at that time and place? A. No, sir.

Q. Was it at some other gambling-house you were arrested? A. Yes, sir.

Q. And when you were arrested, were you employed by that gambling house to procure protection? A. No, sir.

Q. Were you arrested as a customer of the house? A. No, sir.

Q. Were you there as an officer? A. I went in there that night—

Q. You were simply a looker-on? A. I was not playing.

Q. Was it because you hadn't any capital to play with? A. No; I had some coin.

Q. Were you still in the private detective business? A. Yes.

Q. Have you heard of a young man called "The Angel," formerly employed in Parkhurst's society; are you that man? A. No; I think it is Dennett, from New Hampshire.

Q. He is the angel, and you are not? A. No, sir.

Q. No soubriquet was ever given to you; you are simply plain Whitney? A. Plain, every day Whitney; yes.

Mr. Goff.—Judge, you have got a little mixed up in your celestial figures.

Q. Were you at one time arrested for stealing chairs? A. No.

Q. Or chains? A. What?

Q. Chains, o-h-a-i-n-s? A. I told you once I was never arrested, charged with any crime.

Q. Never in your life? A. No, sir.

Q. Weren't you charged with some crime when you were arrested in a gambling-house? A. No, sir.

Q. What was the charge? A. No charge against me at all.

Q. You were discharged at the station-house? A. Yes.

Q. Your name did not go down on the blotter? A. Yes; I gave my name at the desk.

Q. Wasn't some charge recorded against your name? A. If there was I didn't know anything about it.

Q. Who was at the desk, the sergeant or captain? A. That I don't remember.

Q. Was that the precinct of your friend Reilly? A. It was, but it was later; my friend Devery was there then.

Q. Was your friend Devery there? A. Yes, sir.

Q. He is a friend of yours; you have testified, "Your friend Devery?" A. You asked me if it was my friend Reilly, and I counted Mr. Devery the same friend as Reilly was.

Q. The claim of friendship between you and Reilly was that you were trying to persuade him with money to protect your friend's gambling-house? A. I didn't have to try very hard.

Q. You tried? A. Didn't have to try very hard.

Q. What is it you are doing; I can not understand what you say half the time? A. Chewing tutti-frutti.

Q. You don't look like a dyspeptic? A. No, sir.

Q. Now, you were never arrested by Captain Devery for stealing? A. Never in my life; I told you once; I was never arrested,

charged with any crime; I never could be, because I never stole anything.

Mr. Ransom.—That is all.

Chairman Lexow.—Do you want to ask any questions?

Senator O'Connor.—What did he pay the seamen on the different occasions when he asked for protection?

Mr. Goff.—Tell the whole story.

By Senator O'Connor:

Q. Give us the whole story? A. This party introduced me to Jimmie Reilly, and told him that there was—he was going to sell out his game to me, and he says, "This fellow is all right;" and Reilly said, "Did you ever run any gambling place;" and I said, "No, sir;" he said, "You know you want to keep everything quiet there and no disturbance of any kind;" I says, "All right, sir;" this man that introduced me to him said, "I suppose you will charge him the same protection I have been paying;" and he says, "Yes;" I said, "How much is that?" and he said, "\$25 a month."

Q. That was the arrangement? A. That was the arrangement.

Q. To pay \$25? A. He asked us what the limit of the game was; I told him it was only 25 cents limit for the young fellows around there, that came up there to play; and he said he would only charge \$25 a month, the same as the fellow had paid that had been running the game.

By Chairman Lexow:

Q. You say you went into this other place on a bet? A. Yes, sir.

Q. Your bet was that the place could not run for 24 hours without being pulled? A. For eight hours.

Q. And you went in there, and it was pulled? A. Yes; and I would like to tell, the fellow running the game before this in 1616, how he happened to go in the place that happened to be pulled.

Q. Tell us what occurred, and your going in that place where you were arrested? A. Well, this fellow had been running the game at 1616 Broadway, and his name was Pease, and he had been paying Captain Devery for protection; I tell you how I know it; either the last day of September, or the first day of October, in 1892, I was in the room one evening alone about 5 o'clock.

Q. At 1616 Broadway? A. Sixteen hundred and sixteen Broadway; Mr. Pease said he was going to supper, and asked me if I would attend to the game until he came back; I told him I

would; he left, and went to supper; the game was going, there was five or six men playing, and the door opened and Mr. Glennon gave the word, and said, "Is Mr. Pease in;" I said, "No, sir; I am taking care of the game while he is at his supper;" he said, "Come to one side;" he said, "The captain wants this game closed up until after election time; that if the Tammany Hall ticket is elected," he says, "we will protect you for anything from a poker game to a whore-house."

Q. Glennon said? A. Yes; Mr. Pease did not want to lose all his friends around there, and —

By Chairman Lexow:

Q. State what happened? A. He went to work and said he was going to get a room in Fifty-third street, and run it for six weeks, and then come back there, and pay for protection; said he was going to run the place in Fifty-third street unknown to the captain; I said, "You can not do it; there is no gambling-house can run for 48 hours without the captain knowing it," and I won, too.

Q. You made a bet with him that that house he was going to open, as you say, unbeknown to the captain, could not run for 48 hours —? A. Without the captain finding it out; and I said, "If you do, there will be trouble."

Q. And you went to that house, and it was pulled the same night? A. Yes, sir.

Q. Who made the remark, "If the Tammany Hall ticket was elected"? A. Mr. Glennon; he said to tell Pease to close it until after election, which would be this week, and he said, "If the Tammany Hall ticket is elected, the captain said he will give you protection from a poker game to a whore-house."

By Senator Cantor:

Q. What year was that? A. In 1892.

By Mr. Goff:

Q. When you were arrested, were you discharged at the station-house? A. I was; yes, sir.

Q. You did not appear in the police court, or anything? A. No; not at the station-house; I went up to the police court; they held the two men that ran the room, and, through political pull, they knew they had to pay a fine of \$10 at Special Sessions, and they had it with them; and when they came out, Glennon said, "You got off God damned cheap; but, you son-of-a-bitch, you will never run a house in my precinct."

Q. This was at Special Sessions? A. Yes.

Q. Were you discharged? A. Yes, sir.

Q. Were you discharged at Special Sessions? A. No; I was not taken to Special Sessions; I was told to come up to the—I went up to the Yorkville Court, and there were no questions asked me, or nothing; but these two fellows said they pulled these gambling-houses, and these fellows were all in it; and he said, "Who is the proprietor?"

Q. Who said that? A. The judge said that; and they said Pease and some other man, they claim, was the proprietor, and Glennon claimed he was a proprietor, but I knew he was not.

Q. But the judge asked who was the proprietor, and he was told who the proprietor was; what did he say? A. He held him for \$100 to Special Sessions, and told the rest of us to go.

Q. That is all that was connected with that case? A. Yes, sir.

By Chairman Lexow:

Q. Do you know of any other cases of the payment of protection to any of the police captains, sergeants or wardmen in the city here? A. I do; yes, sir.

Q. Don't say anything you don't know; don't give your impression; but if you know the fact of any payment, just make the statement? A. Yes; I know it; I can name Mel Rickard who ran the Homestead Club, Fifty-first street and Broadway, over Bach's saloon; he ran the game there six or eight months, and paid Jimmie Reilly, and I know a fellow lost a lot of money in there, and the proprietor held his overcoat, and he went down to the police station and brought Jimmie Reilly, and he made him give up the overcoat; I know another place—a place was raided, and I helped move it.

Q. Jimmie Reilly, the wardman, came up and told you Comstock's men were in that precinct? A. Yes; Comstock's men were around, and we had better move the stuff out that night after 12 o'clock.

Q. You helped move the stuff? A. Yes, sir.

Q. And helped move it back again? A. Yes.

Q. When you say "stuff," you mean the gambling instruments? A. The tables, chips, and cards, and everything of that kind.

Chairman Lexow.—Why don't you go on and see what this witness does know.

Q. Is there any other matter that occurs to your recollection; do you know anything about payment being made to police officers? A. I used to go with Riker quite often, and one time

I went to the station-house and see him give the money to Ryan; I saw him pay the money in.

Q. How much? A. Twenty-five dollars a month.

Q. Every month you saw him pay in \$25? A. No; there was two or three times I walked down to the station-house when he paid money, possibly two or three.

Q. What was the limit of the game? A. Twenty-five-cents limit.

By Senator O'Connor:

Q. Does the price increase as you increase the limit of the house? A. Yes, sir; if they have a big limit then they have more to pay; that is what these parties told me.

By Chairman Lexow:

Q. Who told you that? A. I think I got the idea from what Reilly told me, asking me if I was going to run a 25-cent limit, and I told him, yes; and he said he would charge only the same amount.

By Mr. Goff:

Q. Was there other transactions of similar nature occurred to your recollection? A. No, sir; but I know a pile of gambling-houses running up there.

Q. Do you know that gambling-houses are running? A. Yes, sir.

Q. At the present time? A. I know where there are some running at the present time, but not in that precinct.

Q. In the city of New York? A. Yes, sir.

Q. Tell us where they are? A. Back of Burgess' saloon, in One Hundred and Twenty-fifth street, near Eighth avenue, I think it is.

Q. That is in Captain Meakim's precinct? A. Yes, sir.

Q. Do you know any policemen go in and gamble in that saloon? A. That is about all that does play there.

By Senator Bradley:

Q. That is all that play there? A. About all.

Q. How do you know that? A. Because I have played there for five or six times.

Q. Recently? A. Yes.

Q. You have? A. Yes.

Q. You have seen policemen there in the saloon gambling? A. With their uniform on, and on post.

Q. How many at a time? A. Two.

By Mr. Goff:

Q. Did you go to that saloon under my instructions? A. Two with uniforms on; yes, sir.

By Chairman Lexow:

Q. How many without uniform? A. Four, I believe; I believe the most that were there was six; two with uniforms on, and four without.

Q. Did you see different men at different times? A. Yes; not always the same; those in uniform; after they came out, I would follow them and they would go to the police station.

By Mr. Goff:

Q. What sort of a game was carried on there? A. Well, I think it was a skin game.

By Senator O'Connor:

Q. What do you call a skin game? A. They skin every fellow that comes in that don't belong to the clique; for instance, if I am in a game and a stranger.—

By Senator Cantor:

Q. What kind of game? A. Poker game.

Q. He is describing for the benefit of Senator O'Connor what is a skin game? A. For instance, I am a stranger; I go in to play, and there is an officer on each side, and they keep raising, and once in a while when I call them down I find nothing, and they would get your money.

By Mr. Goff:

Q. Did you play there? A. Yes, sir.

Q. And you played there under my instructions? A. Yes, sir.

Q. Do you remember if you received instructions to go to that place on any particular date, in addition to when you first reported? A. I did; but I can not remember the date now.

Q. Any day of the week? A. Yes.

Q. What day of the week? A. Saturday night, and I was there until 4 o'clock Sunday morning, and went again Sunday morning and played.

By Mr. Ransom:

Q. Under Mr. Goff's instruction? A. Yes, sir.

Q. Sunday afternoon? A. Yes, sir.

By Mr. Goff

Q. What was the instruction you received in regard to Sunday afternoon? A. I was sent to go into the place and play accompanied by Mr. Lemon — Mr. Dennett, the angel, was sent to go around, or I had instructions from Mr. Goff to take Mr. Dennett with me and have him count the number of the saloons that were open in that neighborhood while the officers that should be closing those saloons was in Mr. Burgess' saloon, playing poker.

Q. That is, you were to note the number of saloons that were open? A. Mr. Dennett was to do that.

Q. That was the instruction? A. Yes; while the officers.—

Chairman Lexow.—Why won't you interrupt at this point, and have this witness, Miss Harvey, testify? You have gone with this witness through that part of it.

Mr. Goff.—I did not intend to open up this.

Mr. Ransom.—Mr. Chairman, in regard to the disposition of this testimony.

Chairman Lexow.—You will have an opportunity to cross-examine here.

Mr. Ransom.—There are three or four questions in regard to the examination that were called out by his examination-in-chief, as he was called by Mr. Goff, that I want to ask.

Chairman Lexow.—It does not refer to the testimony of Miss Harvey.

Mr. Ransom.—In regard to his testimony which he was called to give on account of Miss Harvey's presence, that is all; I only wanted to ask two or three questions.

The Chairman.—Certainly.

By Mr. Ransom:

Q. I want to ask if you testified as a witness on the trial on behalf of Captain Devery? A. I did, sir.

Q. And were you inquired of there in regard to the transactions you have testified to here? A. Most of them.

Q. Were you inquired of in regard to the transactions which you have prescribed to-day? A. I was inquired of as to my arrest by Captain Devery in Fifty-third street only.

Q. Only? A. I wanted to tell the rest, and Colonel James wouldn't let me.

Q. You mean the court wouldn't let you? A. Colonel James objected.

Mr. Ransom.—Colonel James had an influence which I have not got.

Senator Cantor.—A different tribunal, judge.

Mr. Ransom.—Yes; a different tribunal.

Q. Did you ever work for the Broadway Railroad Company?
A. I did; yes, sir.

Q. When were you discharged? A. I don't know that I was discharged.

Q. Is that true? A. Yes, sir.

Q. You swear you don't know that you were discharged? A. Yes, sir.

Q. When did you quit the employment of the road? A. I was there doing detective work.

Q. Did you resign? A. I did not.

Q. Who employed you to do detective work? A. As a general thing when I undertook to do detective work —

Q. Will you answer my question; now, you left the employ of the railroad company? A. I did!

Q. Why did you leave the employ of the company? A. Well, I was doing detective work; I was sent on a kind of a case; I was day conducting, but the object of my being there was understood, as I understand it, between the officials of the road, and a private individual, who I was doing work there for; and I suppose, so far as I understood, the case was finished.

Q. How long were you at work for the road? A. I was there, I think, between three and four months.

Q. Were you employed by the officials? A. I was.

Q. Were you paid for your services? A. I was.

Q. And the regular pay of the conductors? A. Yes.

Q. And no more? A. No more.

Q. Did you knock down while you were there? A. What do you mean by knock down?

Q. Don't you know? A. I don't know what you mean.

Q. You don't know what I mean when I asked you if you knocked down? A. I suppose you mean, I took something that did not belong to me; or you might mean I knocked anybody down in the car.

Q. You are testifying under oath? A. Yes.

Q. Of course, you are telling the truth? A. Yes.

Q. Did you knock down? Knock down what.

Q. Did you steal any money; any fares? A. I did not.

Q. Take any fares and put them in your own pocket? A. I rung every fare; I put them all in my pocket; I turned them over to the company,

Q. Did you ring up every fare? A. I did, so far as I knew.

Senator Bradley.—If he did steal any of the company's money it was all fair.

Mr. Ransom.—That depends, Senator, how you spell the word.

Chairman Lexow.—That is not a part of these proceedings, gentlemen, will you continue your examination?

Mr. Ransom.—That may be the fair they had in Brooklyn; I don't know; I don't think I will ask him anything further; not now; some other day.

Mr. Goff.—That is all for the present, Mr. Whitney.

Maud Harvey, recalled, and further examined:

By Mr. Goff:

Q. Just one or two questions; now, Miss Harvey, you are a little hard of hearing, aren't you? A. Yes.

Q. Do you think that all the questions you answered me to-day, that you heard my questions? A. Yes, sir.

Q. You hear me now distinctly, do you? A. Yes, sir.

Q. Have you heard the testimony that the last witness has given on the stand? A. Something.

Q. About his conversation with you last night? A. Yes, sir.

Q. I do not want to call your attention to the other parts of his testimony, not relating to you; but you heard all he said relating to you? A. Yes, sir.

Q. And to your conversation? A. Yes, sir.

Q. Will you swear that what he swore to is untrue? A. Yes, sir.

Q. The whole of it? A. Yes, sir.

Q. Every word? A. Yes, sir.

Chairman Lexow.—That is all, I think.

The Witness.—Because he said I called the man—

By Mr. Goff:

Q. You understand now you have sworn that every word that witness has testified to on this stand in regard to the conversation between you and him was all false; there was not a single word in all that conversation between you and him that was true, even when he said to you good-day; that was false? A. No; he said, "Good-day," when he came in; and I said, "How did you get me?" He said, "There is others with you;" he said, "Rosa Bell, up in Seventy-sixth street;" and then he said to me, "When you go down there you tell the truth;" and showed me a Masonic ring, and said to me, "If you go down there you'll be protected by the Lenox"—

Q. The Lexow committee? **A.** He says, "You tell the truth, and they will protect you;" and he said, "I will bring my friends here;" I said, "I will tell the truth, and nothing but the truth; I am not going to perjure myself."

By Mr. Goff:

Q. All he said about the conversation that passed between himself and yourself, as he swore it, as to your payment of money, to police captains, or police officials, is all untrue, every word of it, is it? **A.** Yes, sir.

Q. Every word of it? **A.** Yes, sir.

Q. And you don't hesitate now; you have no doubt at all in your mind about that? **A.** Yes.

Q. What do you understand me — have you any doubt in your mind that everything he said about your pay for police protection is untrue? **A.** He told a lie there.

Q. Every bit of it; every word of it? **A.** He tells a lie when he says I called the man vile names, and also he said to me — he says to me, "You go down there, and the Lexow people will protect you."

Q. You have told us that three or four times? **A.** He says to me, "You tell the truth; I advise you to tell the truth;" I said, "I will tell you the truth."

Q. You have told us that a great many times; will you swear that every word that the witness Whitney said regarding this conversation between yourself and himself, that you paid protection to the police, or to some police official was untrue; will you swear that? **A.** Yes, sir.

Q. Every word of it? **A.** Yes, sir.

Q. And you swear that he must have coined all of that out of his imagination? **A.** Yes, sir; he may have asked me what captains was in it, and I told him I did not know it myself.

By Chairman Lexow:

Q. Didn't you tell him of a conversation together in which you referred to the examination-room upstairs, or whatever he called it, the confession-room upstairs? **A.** That was with Mr. Soyer.

Q. Didn't you have a conversation with Mr. Whitney on that occasion in which you spoke of having gone up with Mr. Soyer into the confession-room? **A.** Yes, sir.

Q. Didn't you tell what occurred between you and Mr. Soyer in that confession-room; didn't you tell him that you were surprised when Mr. Soyer produced figures which represented

exactly what you paid to the police captains for protection? A. I said it was a lie; I said, "I don't know what to make of this; what is it for?"

Q. Didn't you say to Mr. Whitney on that occasion that you had gone up to the confession-room with Mr. Sawyer and that you were surprised that Mr. Sawyer had produced a paper on which there were figures that represented exactly the amounts that you paid to captains for protection? A. No.

Q. Didn't you have that conversation with him? A. I said to him when he—when he showed me this man's name; I said, "I don't know what to make of it, bringing me in this;" he said to me, "When you go down there, I advise you to tell the truth;" I said, "I would tell the truth."

Chairman Lexow.—There is nothing further, Mr. Goff.

By Mr. Goff:

Q. Oh, yes; what is the name of the colored woman in your house? A. Lizzie Jefferson.

Q. What does she do there? A. Cook.

Q. Is that all she does? A. Usually, and general housework.

Q. Nothing else? A. No, sir.

Q. She is up there now? A. Yes.

Q. Will you send Lizzie down here? A. Yes, sir.

Q. Will you hold yourself in readiness to come before this committee again when you are called upon? A. Yes.

Q. You won't go and leave the city, will you? A. No, sir.

Q. Do you remember saying to Mr. Whitney or Mr. Soyer, that you could not see how the police could interfere with you, because you lived in your own house; do you remember saying that? A. I don't remember saying that; all I said, "I do not see how they interfered;" I said, "there were other people they could interfere with."

Q. Did you say anything you did not think they could interfere, because you lived in your own house? A. No, sir.

Q. When did you buy that house? A. Two years ago.

Q. And all your own money? A. Yes, sir.

Q. How much did you pay for it? A. Seventeen thousand dollars.

Q. And did you pay all in cash? A. Yes, sir.

Q. And you were running the house from the time you went there 10 years ago? A. Yes, sir.

Q. And out of the profits of your business and keeping a bedhouse, you were able to save \$17,000 to pay for this house you are in now? A. Yes, sir.

Q. And you were able to do that in about seven years and a half? A. Yes, sir.

Q. And you lived pretty well all the time? A. Yes, sir.

Q. You dressed nicely? A. Yes, sir.

Q. And you go to the races? A. Very seldom.

Q. Where you go with your friends, the bookmaker? A. No; I go alone.

Q. Didn't you go with him to Morris Park that day? A. No.

Q. You met him? A. Yes.

Q. You go to Gravesend? A. No, sir.

Q. Coney Island? A. No, sir.

Q. Never to the Sheepshead Bay track? A. No, sir.

Q. Any other track but Morris Park? A. Long Branch.

Q. And Guttenberg? A. No, sir.

Q. You keep a horse? A. No, sir.

Q. Do you go out driving frequently? A. No, sir.

Q. In the park? A. No, sir.

Q. Do you ever go out driving? A. Very seldom.

Q. In a Victoria—open carriage? A. Yes.

Q. And you could do all these things, and live nicely, and keep servants, etc., off the profits of keeping this bedhouse in New York in seven years and a half, and buy this house you are in? A. Yes, sir.

Chairman Lexow.—Have you finished, Mr. Goff?

Mr. Goff.—Yes, sir.

Cross-examination by Mr. Ransom:

Q. Miss Harvey—is it Mrs. or Miss Harvey? A. Miss.

Q. In answer to Mr. Goff, you testified to some trouble in your house that you used at one time, I think, when you were arrested two and a half years ago, and you mentioned the name of Mr. Munzinger; do you remember that testimony? A. I mentioned the name.

Q. Mr. Goff mentioned the name, and you adopted it in some form.

By Chairman Lexow:

Q. In reference to Mrs. McCarty? A. Yes, sir.

By Mr. Ransom:

Q. The name of Munzinger was used, and I want to know if you remember it? A. Yes, sir.

Q. Do you know that man? A. No, sir.

Q. You don't know whether his name was John or Lewis, do you? A. No, sir.

Q. Don't you know anything about it? A. No, sir.

Mr. Ransom.—I want to know if it was the same man we had here as a witness.

Chairman Lexow.—No.

Senator O'Connor.—I want to say, as one of the committee, that any witnesses subpoenaed, I shall insist on the disclosure of any person having a conversation with the witness after the subpoena is served.

Mr. Goff.—The witness communicated to me. I, of course, am not at liberty to announce; but at the same time I think it important, in connection with other matters, that this name shall be known. I think it very important.

Chairman Lexow.—So far as you know it, you can bring it out at any time.

Mr. Goff.—I think it should appear in the record.

Senator O'Connor.—I do not think, hereafter, when they interfere with witnesses after they have been subpoenaed as witnesses, there should be any confidence about it.

Senator Saxton.—If Mr. Goff thinks it material—

Mr. Goff.—I think it material in connection with other matters that will come before the committee at a later date.

Chairman Lexow.—Put your question.

Mr. Goff.—Miss Harvey.

Chairman Lexow.—Put the question right from there, Mr. Goff.

Mr. Goff.—Miss Harvey, just stand up where you are, please.

Q. You tell the committee the name of your friend, to whom you went to the Brower House to meet last night? A. Teddy Foley.

Q. The bookmaker? A. Yes, sir; he makes his living on the race tracks.

Q. What is his real name? A. Teddy Foley.

Q. Do you know of any other name but Teddy Foley? A. No, sir.

Q. By the way, when I am asking about names—Miss Harvey is not your real name? A. No.

Mr. Goff.—Well, I won't ask. That is all. Now, Mrs. Bell.

Mr. Ransom.—Are we to have the luncheon hour?

Mr. Goff.—We want to take but a short time with this witness.

Chairman Lexow.—We will take the time, when we do adjourn.

Evelyn Bell, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. I understand, Mrs. Bell, that you have been sick recently?

A. Yes.

Q. And you are ill now ? A. Yes, sir.

Q. Well, I put my questions to you as briefly as possible, and as few as possible; did you ever pay any money to any police official for protection ? A. No; never in my life; not a police official.

By Chairman Lexow:

Q. To whom did you ? A. I do not remember any, except one wardman.

Q. A wardman? A. Yes, sir.

Q. What was his name ? A. His name was Burns.

By Mr. Goff:

Q. Mrs. Bell, you say his name was Burns ? A. Yes.

Q. What was his first name ? A. I don't know.

Q. How often did you pay him ? A. A number of times; I could not tell how many.

Q. Every month ? A. No; I never paid by the month.

Q. How did you pay; under a contract with him ? A. No; I paid whenever I choose; every three months.

Q. And was it a stated price ? A. No; what I choose to give.

Q. How much did you give him ? A. One hundred and fifty dollars every three months.

Q. And did you pay him what is called initiation fee ? A. No; I never did.

Q. On the transfer of captains ? A. No.

Q. Do you know what he did with the money ? A. I do not, sir.

Q. He came to your house ? A. He did.

Q. And asked you for money ? A. No; he came to the house; I knew what he came after.

Q. How did you know he came after money ? A. I had been paying it for so many years; I knew.

Q. Had you paid it to people before ? A. Yes.

Q. Wardmen before ? A. I did.

Q. Who was the wardman before Burns to whom you paid money ? A. You must excuse me; I don't know his name.

Q. You don't know his name ? A. No.

Q. You know he was a wardman ? A. Yes.

Q. Who was the captain of the precinct at the time ? A. They changed captains so often that way.—

Q. How many years back has this payment, paid every three months, of this amount of \$150 — how far back does it extend ? A. Ten years.

Q. And has the price been the same? A. Always the same.

Q. What precinct was it, Mrs. Bell? A. The Nineteenth.

Q. That is called the Tenderloin? A. Yes, sir.

Q. What captain was in at the time you paid Burns the money? A. The captain that is now there; Captain Schmitt-berger.

Q. When did you give him the last money? A. I don't remember.

Q. A few months ago? A. Because I have been so very ill—yes.

Q. But as near as you can recollect some few months ago? A. Yes; about seven months ago.

Q. You kept a house of prostitution—kept girls? A. One or two; yes.

Q. Did you let out rooms in addition to keeping the girls? A. Certainly.

Q. Where is the house? A. Seventy-four West Thirty-sixth street.

Q. How long have you been there? A. Ten years.

Q. Do you own the house? A. I do.

Q. You own the house? A. Yes.

Q. And you saved money enough out of your business to buy the house? A. Yes.

Q. Within the 10 years? A. Yes.

Q. Were you ever raided? A. Yes.

Q. When were you raided? A. That I don't remember; about three years ago, I think it was.

Q. Who raided you; you remember what captain it was.

The Chairman.—Can you suggest the name?

Mr. Jerome.—Reilly?

The Witness.—No; not Reilly.

By Mr. Goff

Q. O'Connor? A. No; I can not think of his name.

By Chairman Lexow:

Q. McLaughlin? A. McLaughlin; yes.

By Mr. Goff

Q. Did you pay any money then, Mrs. Bell? A. Not to any captain; I never see the captain.

Q. Who did you pay money to at the time you were raided?
A. At the time I was raided?

Q. Yes. A. I paid the money in court.

Q. You paid money in court; were you fined? A. I was.

Q. How much were you fined? A. Five hundred dollars.

Q. Did you pay any other money but the \$500? A. No, sir.

Q. That is the only money you paid? A. That was all, to the best of my knowledge as far as I remember.

Q. Did you give any money to any body to pay for you? A. no.

Q. Do you remember? A. No; I attend to my own affairs.

Q. After you paid the \$500 fine you kept the house the same as ever? A. Certain, I did.

Q. The police did not raid you again? A. Yes; they did the second time.

Q. Was it the same captain, or another captain? A. I think it was—I am not positive—I think it was the same; but I am not sure; I would not be positive.

Q. Did you pay any money the second time you were raided? A. I was sick in bed and they took my colored girl.

Q. You were not arrested the second time? A. No; I was not.

Q. Did you pay any money at all that time? A. No.

Q. Who did? A. The colored girl.

By Chairman Lexow:

Q. Did you give it to the colored girl to pay? A. Certainly.

Q. How much? A. One hundred dollars.

Chairman Lexow.—The colored girl was arrested and she gave \$100 to pay her fine.

By Senator Saxton:

Q. How long was that after the first raid?

By Mr. Goff

Q. How long was the second raid after the first? A. I was trying to think; not far along.

By Chairman Lexow:

Q. Was it a year, or a month, or weeks? A. It might have been a year; I am not positive.

By Mr. Goff:

Q. Did you pay any money between the first and second raid to any wardman? A. Not as I remember.

Q. Did you pay any money after the second raid to the wardman? A. No; I did not; because then I ceased business.

Q. You ceased business then; when did you open up again? A. I did not open up again.

Q. How long ago is the second raid? A. I think it was about seven or eight months ago.

By the Chairman:

Q. That would be about November? A. Yes.

By Mr. Goff:

Q. It must be Captain Schmittberger that raided you? A. Perhaps it was; I could not say positive.

By Chairman Lexow:

Q. Was the same wardman in the precinct at the time of the first raid as at the time of the second? A. I think not.

Q. A different man? I think so; I wouldn't be sure.

By Mr. Goff:

Q. Did any wardman, or any one from the station come to you lately to tell you to keep quiet until this investigating committee got out of town? A. No, sir.

Q. Did you hear anything about it? A. I heard it from the girls from the outside, not from the police station.

Q. Did you ever pay any money to the policemen on the beat? A. Never.

Q. Did they ever call into your house at all? A. Never.

Q. The only money you ever paid was to the wardman? A. Yes; that is all.

Q. Now, didn't you pay more money than to Burns the wardman; didn't you pay money to other wardmen? A. I say, yes; but I don't remember their names.

Senator Bradley.—She said she did; but don't remember their names.

Q. You paid it right along to the wardmen for 10 years? A. I did.

Q. Every three months? A. Yes.

By Senator Bradley:

Q. One hundred and fifty dollars? A. Yes.

By Senator Saxton:

Q. Did she pay this money at the house? A. At my house.

Q. Every three months regularly? A. Yes, sir; I did.

Q. Do you remember a wardman there by the name of Price? A. I heard of him.

Q. Did you ever pay him any money? A. I could not say.

Q. Do you know Price? A. I may have seen him; but I could not say whether I had or not.

Q. Where did you see him? A. I say I could not say whether I have or have not seen him; I don't remember.

Q. Do you remember whether Captain Williams was in that precinct? A. I certainly do.

Q. Didn't you pay the whole amount as usual? A. Certainly.

Q. To Captain Williams' wardman? A. Yes.

Q. Don't you remember his name was Price? A. No; I do not.

Q. You remember it was the wardman? A. That is all I remember.

Q. Do you remember that wardman; can you describe him? A. It is so far back I could not.

Q. Did you ever hear the wardman to whom you paid the money when Captain Williams was in that precinct was afterwards made captain himself? A. No, sir; I did not until I read it in the papers.

Q. Oh, you read it in the papers? A. Yes, sir.

Q. That is, that Price had been made a captain? A. Yes, sir.

Q. And when you read it in the papers, didn't you recognize the name as the same wardman you had paid the money to when Captain Williams was there? A. There are so many Prices, I do not know which was the one.

Q. Did you ever know a policeman or wardman of the name of Price? A. I heard of them.

Q. Would you be able to recognize him, if you saw him again? A. I don't know whether I would or not; perhaps I would, and perhaps not.

Q. Have you seen Captain Price's picture in the newspapers? A. Certainly I have.

Q. Did that resemble the wardman to whom you paid the money? A. That is so many years ago, and I have been so sick, really I could not tell.

By Mr. Goff:

Q. I want to ask her one more question; did you ever make presents around Christmas or New Years, Mrs. Bell? A. Certainly I did.

Q. Did you ever make presents to the wardmen around that time? A. Never in my life.

Q. Or any other police officials? A. No; only the same as I would to the postman; I always did; at New Year's time I gave to the postman and all the people that worked for me I gave presents.

Q. Did you remember the policemen at the time you remembered the postman? A. Certainly I did; I didn't forget anyone.

Q. You gave the policeman on the beat a little present around Christmas time? A. Certainly I did; he never asked for it.

Q. You gave it to him? A. Certainly I did.

Q. How much did you give them? A. I never gave them more than \$5 apiece.

Q. Do you remember the time a wardman went around to you saying that they were going to make a present to the captain; they wanted to get up a nice present for him? A. Often people called, but I never seen them.

Q. Don't you remember subscribing money to buy a nice present for the captain? A. No; I do not; I should think he had money enough without me making him a present.

Chairman Lexow.—Are you through, Mr. Goff?

Mr. Goff.—Just one word.

Q. You are married A. I am.

Q. Do you know if your husband ever made payments to the police for you? A. He did not; not to my knowledge, he never did.

Chairman Lexow.—The witness has stated she did her own business herself.

Q. Is your husband in court? A. No, sir; he is not.

Q. When did he leave New York? A. I have not seen him since Monday.

Q. Since last Monday? A. Yes.

Q. Do you know where he is? A. I do not.

Q. Well, do you know why he left? A. He goes wherever he likes; he goes often; I never see him sometimes for a month.

Q. You and your husband had a talk about the Lexow committee, haven't you? A. No.

Q. Didn't he tell you that someone was trying to serve a subpoena upon him? A. No, sir; I never thought I would be called.

Q. Your husband I am speaking of now? A. I know; he never thought, nor I or he that he would be called.

By Chairman Lexow:

Q. Mrs. Bell, you stated you have paid this \$150 every three months to the wardman? A. Yes, sir.

Q. Because you had to do it? A. Yes.

Q. How did you first ascertain you had to pay \$150 every three months? A. I bought the house from Rosie Bell, and she told me what I had to do.

Q. You bought the house from Rosie Bell and she told you that was the tariff on that house, and that would have to be paid? A. Yes.

Q. And from that time, without making any agreement with the wardman, you paid the wardman \$150 every three months?

A. I did.

Q. And that continued for a period of 10 years? A. Yes, sir.

By Mr. Goff:

Q. Do you remember at one time complaining that you could not pay your bills and were hard up? A. Certainly I do.

Q. And don't you remember saying that you could not pay your bills, because the assessments were so heavy? A. No.

Q. Are you sure, now? A. I am sure of that; because of my own extravagance.

Q. Your own extravagance? A. Certainly.

Q. Did you ever say anything about heavy assessments? A. No.

Q. Well, don't you know that your husband used to go out on the street and make appointments with the captain of the precinct? A. No, sir; I do not.

Q. Did you ever hear that? A. Never heard that in my life before.

Q. Has any one been speaking to you since you have been served with a subpoena? A. No.

Q. Did you see any one about it? A. No.

Q. Have you been talking with any one about it? A. No.

Cross-examination by Mr. Ransom:

Q. I understood you to say that you had never paid any money to any police officer except the wardman, Burns, and some other wardmen, whose names you do not remember? A. That is right.

Q. Is that right? A. I did say so.

Q. And that is true? A. That is true.

Q. Was anybody present at any time when you paid money to the wardman except yourself and the man? A. No; that is all.

Q. Did you keep any memorandum of the payments that you made? A. No.

Q. None at all? A. No.

Q. I wish you would state, if you can, the time when you paid the wardman you say was with Captain Williams in that precinct—when was it? A. I beg your pardon?

Q. When was it you paid Captain Williams' wardman money? A. I paid it at the house.

Q. I wanted to get the time? A. In 1884.

Q. Williams was captain of that precinct then? A. Of that precinct.

Q. How long was he captain of the precinct? A. I don't remember.

Q. Do you remember how many times you paid his wardman money? A. No; I do not.

Q. You can not say whether it was more than once? A. Oh, I said more than once; but I can not remember how many times.

Q. What I was trying to get at is this; I understood you to say to the chairman you paid \$150 every three months? A. Every three months; that is right.

Q. And your payment was made regularly every three months? A. So it was.

Q. I would like to know how many times, if you can remember, you paid when Williams was captain of the precinct? A. I tell you I don't remember.

Q. You never kept any track of it? A. No; I did not.

Q. Do you remember the name of any of the policemen to whom you made the Christmas presents of \$5? A. Certainly not; I never asked them.

Q. I understood you to say you were in the habit of giving Christmas gifts of some moderate size to all the people who worked for you? A. Yes, sir.

Q. And you included the postman? A. Yes.

Q. And the newspaper man? A. And the milkman and all.

Q. You mean the man that supplies you with papers? A. Yes, sir.

Q. You included the policeman as one of the persons who worked for you? A. He passed up and down and took care of my house.

Q. Looked out for your house? A. He did.

Q. Can you remember his name? A. No, sir; I do not.

Q. Not any of them? A. No.

Mr. Goff.—That will do, Mrs. Bell.

Mrs. Bell.—Thank you.

Mr. Goff.—Now, I want to swear another witness.

George Appa was called as a witness, and the chairman administered the oath.

The Witness.—Before I proceed to that, I have been taken up unknowingly and brought here as a witness. I have not had any chance to think of this matter.

Chairman Lexow.—That is not the question. The committee here is empowered to administer the oath to you.

The Witness.—I am an unwilling witness.

Chairman Lexow.—That is all right. Kiss the book.

Mr. Goff.—We have compelled the witness to come here. Where is the sergeant-at-arms.

The Chairman.—The witness is placed in the custody of the sergeant-at-arms.

Mr. Goff.—Yes. The deputy is here. Will you please instruct Mr. Appo, Mr. Chairman, that he is now being sworn, he is in charge of this committee.

Chairman Lexow.—You are under the protection now of this committee, Mr. Appo, and the sergeant-at-arms, who represents the authority of this committee, will take you in custody until you are examined. All witnesses subpoenaed for this morning will attend this afternoon at half-past 2 o'clock. We now stand adjourned until that time.

AFTERNOON SESSION.

June 14, 1894.

Present.—Senators and counsel as before.

The Chairman.—Are you ready, Mr. Goff?

Mr. Goff.—Yes, sir.

The Chairman.—Where is the witness?

George Appo resumed the stand.

The Chairman.—We understand that you come here against your will. The committee will give you every protection that you require. Any testimony that you may give here with reference to bribery or corruption, paid to the official, either in this city or elsewhere is privileged. You can plead it in bar absolutely against any prosecution that may be brought against you. So you have nothing to fear excepting to tell the truth. Now, if you do not tell the truth you know you are subject to the penalties for perjury.

Direct examination by Mr. Goff:

Q. How old are you? A. Thirty-six years of age.

Q. Where was you born? A. New Haven, Conn.

Q. You have been in this country all your life? A. Yes, sir.

Q. Do you remember when you first came to New York? A. I was born in New Haven, Conn., and I came here when I was 2 months old.

Q. So that you were brought up in New York city? A. Yes, sir.

Q. You were a little unfortunate when you were a boy, were you not? A. Yes, sir.

Q. I think you were about 16 years of age when you first went before Recorder Hackett, do you remember that? A. Yes, sir.

Q. When you were 16 years of age you were sentenced to State prison? A. Yes, sir.

Q. By Recorder Hackett? A. Yes, sir.

Q. Do you remember the sentence you got? A. Two years and six months.

Q. You were quite a little fellow then; you were quite small, were you not? A. Yes, sir; only 16.

Q. Did you find a suit in State prison small enough to fit you? A. They were all too big.

Q. What were you sent to prison for? A. Picking pockets.

Q. After you served your term in State prison did you ever go there again? A. Yes, sir.

Q. How soon after? A. Nine months after my release.

Q. Who sentenced you the second time? A. Judge Gilder-sleeve.

Q. How long were you sentenced at that time? A. Two years and a half.

Q. What did you do that time? A. Picking pockets.

Q. Did you ever go to State prison again? A. Yes, sir.

Q. How soon after your release? A. Five years.

Q. Now the third time that you went to State prison, how long were you sentenced for? A. Three years and six months.

Q. Who sentenced you at that time? A. Recorder Smyth.

Q. What did you do the third time? A. Picking pockets.

Q. The same thing, picking pockets? A. Yes, sir.

Q. Have you told us all the times you have been in State prison? A. I served a year in the penitentiary.

Q. When was that? A. Eighteen hundred and eighty-nine.

Q. What was that for? A. Picking pickets.

Q. The same thing? A. Yes, sir.

Q. Were you ever in Elmira? A. No, sir.

Q. You were also in prison up in Connecticut, were you not, at Weathersfield? A. Never, sir.

Q. Were you in prison in any State outside of New York? A. Pennsylvania.

Q. When were you in prison there? A. Eighteen hundred and eighty-six.

Q. What for? A. Picking pockets.

Q. The same thing? A. Yes, sir.

Q. Have you told us all the places that you have been in prison? A. That is all.

Q. How long were you in prison in Pennsylvania? A. Eleven months.

Q. Do you remember what time it was; how long ago? A. In 1886.

Q. So, that you have given us now all the times that you have been in prison in any State? A. Yes, sir.

Q. Have you ever been in Europe? A. No, sir; I have never been ashore; I have been there on board ship, though.

Q. You have gone over on shipboard there? A. Yes, sir.

Q. Outside of picking pockets have you been engaged in any other crooked business in this city? A. Yes, sir.

Q. What other crooked business have you been engaged in? A. Greengoods business.

Q. That has been your principal business, has it not? A. Late years; yes, sir.

Q. And did you understand the greengoods all the way through; do you not? A. Yes, sir.

Q. Now, we know what the term greengoods generally means; will you please explain to us how the greengoods are sold? A. There is a circular sent out stating that there is a duplicate of the genuine money manufactured from the same place.

Q. Let us see; in the greengoods business there are quite a number of men engaged, are there not? A. Yes, sir.

Q. Now, we will say, first, there is the backer, is there not? A. Yes, sir.

Q. Or the bank-roll man, as he is called? A. Yes, sir.

Q. He is the head, is he not? A. Yes, sir.

Q. He is the man that supplies the capital? A. Yes, sir.

Q. He is the man with the money? A. Yes, sir.

Q. Then, there is the writer? A. Yes, sir.

Q. That is two? A. Yes, sir.

Q. Now, what does the writer do? A. Well, he sends out his mail; sends out these circulars.

Q. Then there is the steerer? A. Yes, sir.

Q. What does the steerer do? A. He goes after the victim.

Q. And the victim is the man that comes way from the backwoods here to New York to buy the greengoods; that is what he is called? A. Yes, sir; and from towns, too, and cities all over the United States.

Q. There is a man called the ringer, is he not? A. Yes, sir.

Q. What does the ringer do? A. He is behind the partition; he takes the good money away and puts the green goods back.

Q. He takes the good money from the victim? A. Yes, sir; and puts the bad money? A. Yes, sir.

Q. Or the counterfeit money —? A. Yes, sir.

Q. Or the bricks? A. Or the bricks.

Q. In its stead? A. Yes, sir.

Q. Is there any other man that has to do this thing; isn't there a turner? A. A turner.

Q. What does the turner do? A. Well, he is supposed to be the son of the old man.

Q. He is supposed to be the son of the old man? A. And he sells the goods.

By the Chairman:

Q. He does the selling of the green goods? A. Like a salesman over the counter.

Q. He handles the green goods over the counter and sells them to the victim.

By Mr. Goff:

Q. Now, we will see; what is the man called that takes charge of the victim after he finds out that he has been fleeced, has been robbed? A. Well, the steerer takes him away, and then there is the tailer that tails him up in case he should open up.

Q. Now, you speak of the old man; that is the person who is introduced as the father, Ikie? A. Yes, sir.

Q. It is his son that does the selling work? A. Yes, sir.

Q. His supposed son? A. Yes, sir.

Q. Now, is there not a place called the "turning" joint? A. Yes, sir.

Q. What is the "turning joint?" A. It is a store, just an empty store with a desk in it, like an office.

Q. That is the place where the job is done? A. Yes, sir.

Q. But there are more places than the turning joint that the victim is brought to, are there not? A. There are more places than the turning —

Q. He is brought to other places, is he not? A. He is instructed to come on to a hotel 50 or 100 miles from New York, say Elizabeth, N. J., Poughkeepsie, Fishkill, or any of those towns out of New York city; they send a steerer out there after him; he is supposed to be a messenger.

Q. Can you tell us how these various persons divide up the proceeds of the money that is taken from the victims? A. Well, the writer gets 50 per cent.

Q. The writer gets 50 per cent.? A. And the backer gets 50 per cent., and the steerer gets 5 per cent., but he is supposed to get 10 per cent.

Q. Out of which 50 does the steerer get his percentage? A. He has 5 per cent.

Q. Out of which 50; you say the writer gets 50 per cent.? A. Both of them; each gives 21-2 per cent.

Q. Each gives the steerer 2 1-2 per cent? A. Yes, sir.

Q. How do the other men get paid? A. They get \$5 for each man; the turner gets \$10, and the ringer gets \$5, and the tailor gets \$5.

By the Chairman:

Q. For each victim that they bring in? A. Yes, sir.

By Mr. Goff:

Q. Will you explain to the committee what the writer does and how the victims are got? A. He sends out his circulars and then he gets an answer by telegraph.

Q. How does he get the list of names to send the circulars to? A. From Bradstreet's, from Dunn's, and from all the other city directories.

Q. City directories of the far-away towns and cities? A. Throughout the United States.

Q. And it is the writer's business, is it, to select the names from the mercantile agencies and city directories? A. Yes, sir.

Q. And mail them this matter? A. Yes, sir.

Q. First he mails the circular, does he not, imitating a type-written circular? A. Yes, sir.

Q. And in that circular is described the greengoods? A. Yes, sir.

Q. Counterfeit money? A. Yes, sir.

Q. Now, along with that circular, there appears to be what is a newspaper clipping, is there not? A. Yes, sir.

Q. It looks like as if a column was cut out of a paper? A. Out right out of the paper like.

Q. That contains some account of the greengoods, does it not? A. It gives an account of the Democratic or Republican party that is in power at the time, discovering some superfluous money.

Q. Counterfeit? A. An over-issue of money in the Treasury Department, or wherever they print these bank notes; it gives an illustration about them making an over-issue of each denomination of money.

Q. All the bills? A. Yes, sir.

Q. Does it not say something about the plates having been stolen from the Treasury Department in Washington? A. Yes, sir.

Q. And then does it not say something about a man having been arrested? A. Yes, sir.

Q. And that he had to be discharged? A. Yes, sir.

Q. Because it appeared that the bills were taken from the plates stolen from the Government; isn't that so? A. Yes, sir.

Q. These so-called newspaper clippings are not from real newspapers, are they? A. No, sir.

Q. They are printed specially for that purpose? A. Printed specially.

Q. Was there anything else in the envelope sent with the names? A. Nothing, only giving them instructions what to do.

Q. Is there not a telegraph blank sent? A. Yes, sir; with instructions; that tells them to send whatever the writer wants them to send, so he will understand who he is; for every circular he sends out he makes a record in a book, an enumeration; say, John Howard, 106; well, he tells him to sign "106, J. H." in his telegrams; not the full name; just "J. H., 106;" and he will consult his book if he gets an answer to that that that fellow is a "come-on."

Q. So that all communications after between this supposed to be John Howard are signed "J. H., 106;" then, suppose he wants to communicate with him again, how does he communicate with him? A. He sends him instructions where to go; what hotel to go to and what town to go to, and he will send his messenger there to meet him.

Q. How does he send the instructions, by mail or telegram? A. By mail.

Q. Isn't the victim cautioned not to write anything at all, but to send everything by telegram? A. Yes, sir.

Q. So that all the messages received, all the communications received from the victims, called "come-on's," are all received by telegraph here in New York? A. Yes, sir.

Q. To whom is that telegram directed? A. To the writer himself.

Q. Under whatever names he gives? A. Whatever address he has.

Q. Do you know if he goes to the telegraph office or the telegrams are delivered? A. The telegraph office delivers it to him.

Q. Can you tell if he gives the same address as where the turning joint is kept? A. No, sir.

Q. A different address altogether? A. Yes, sir.

Q. He selects any address that he can? A. That he can; the operator understands that himself.

Q. The telegraph operator understands what this is? A. Yes, sir.

Q. Do they know what these messages relate to? A. Yes, sir.

Q. And they deliver them? A. Yes, sir.

Q. After the message has been sent to the "come-on," and he has been told to stop at some hotel, what is next done? A. Well, they get their messenger, their steerer, and give him the pointers; he gives the victim the password; the victim is to recognize the messenger by a password.

Q. Is there a different password used in each case? A. He may give him "Speedy Fortune;" "How are you, Speedy Fortune; glad to see you," or something like that, and he recognizes him.

Q. "Speedy Fortune," that is a password sometimes used? A. They manufacture their own passwords; "Good luck, Mr. So and So;" something like that; so that the "come-on" will know that he is up against the right party to do business with.

Q. What does the steerer do when he meets the victim and gives him the password; suppose he met him in Elizabeth? A. He takes him on to New York and puts him in some saloon; then he goes and notifies the turner that he is here; then he takes him to the turning joint, and, after he is through business, takes him away and puts him back on the train and sends him home.

Q. Will you explain to us what is done after the steerer tells the turner that the victim is here, and the steerer brings the victim to the turning office; will you tell us just what is done? A. He takes him to the turning office and he shows him from \$5,000 to \$10,000, in ones, fives and tens.

Q. In genuine money?

By the Chairman:

Q. Good money? A. In good money; yes; he represents this money as so-called counterfeit; he packs it up for him in a box and lays the box on a shelf like, and raises up the lid of the desk for him to put his name down on the book; when the lid comes down the good stuff is gone and the ringer is there, with nothing in it; a box with nothing in it is on the shelf.

By Mr. Goff:

Q. The ringer is behind the desk? A. It is changed from the ringer behind.

Q. The ringer is behind, and when the lid is raised up the ringer puts his hand up and takes in the box with the good money and slips back the box containing the bricks or paper? A. Yes.

Q. Before we finish that, I want to know where the old man comes in? A. He just sits there, merely as a matter of form.

Q. So as to give an air of respectability to the place? A. Yes, sir.

Q. Does he introduce any of them, the steerer, the runner or turner as his son? A. The steerer introduces him; "This is Mr. Howard, Mr. So and So; Mr. So and So, this is my son."

Q. Who does the old man say this is his son? A. This is the old gentleman, Mr. Howard; this is the son, Mr. So and So."

Q. So that the old gentleman appears as the father of the steerer? A. No; as the father of the turner.

Q. Does the old gentleman say or do anything at all? A. Not a thing; he just sits there and listens; that is all.

Q. Does he not sometimes draw out a genuine \$1 bill or send it out? A. The turner does that; does all the talking.

Q. Doesn't the turner draw a \$1 genuine bill, show him a \$1 genuine bill, as a sample of the counterfeit bills? A. He shows him \$10,000 right there, and he has already had a sample sent to him, when he is home.

Q. What I want to ask is this; isn't the victim asked to go out and change a dollar, given to him, a bill? A. No, sir; he has already had a sample, and he has had a chance to investigate that sample before he came here.

By the Chairman:

Q. Is that sample a genuine bill? A. Yes, sir.

By Senator Cantor:

Q. They send him that? A. They send him that.

By Mr. Goff:

Q. The sample is a genuine bill? A. Yes, sir.

Q. These 10,000 dollar bills are in the box, and they are all genuine? A. All genuine.

Q. And those bills all belong to the bank-rollman, do they not? A. Yes, sir.

Q. His property? A. Yes, sir.

Q. Now, is it true that this bank-rollman or backer of the game has to keep quite a large sum of money on hand all the time? A. Yes, sir.

Q. To make this showing? A. Yes, sir.

Q. After the box is changed by the turner, what is done next? A. He is instructed to keep quiet, and then the steerer is instructed to see him to the depot and see that he gets his train and gets away all right, and he pays for the goods; they do not do less than \$300 a deal; that is the smallest deal they make, \$300.

Q. How much counterfeit money are they supposed to give for \$300? A. Three thousand dollars; they are allowed \$250 for expenses.

Q. Just explain that, please? A. They get \$3,000 for \$300, or 10 per cent.; they get the goods at 10 per cent.; they are supposed to get \$3,000; then they are allowed \$250 in the so-called counterfeit money; that is for their expenses, for the trouble of coming, traveling expenses.

Q. In addition to the \$3,000? A. Yes, sir.

Q. Is that the rate all the way through, no matter what amounts are bought — 10 per cent.? A. Yes, sir; 10 per cent.

Q. That is the rate? A. Yes, sir.

Q. Now, we come to the point when the steerer is told to go with the victim to the depot or to the ferry, I suppose to either one or the other? A. Yes, sir.

Q. Is there anything said to the victim about being careful to look out for the police? A. Oh, yes.

Q. What is said to him? A. They have to throw a scare into him, so that he won't burst the box open; "You have to be very careful now and make no friends or confidants while you are on the road, because you know the nature of your business, and it is a matter of 10 or 15 years if you are caught issuing those; this section of the country is flooded so you want to be very careful; sometimes they burst open."

Q. If they burst the box open too soon, then there is trouble? A. The steerer gets that.

Q. Does the steerer carry the box to the ferry or the depot? A. The steerer takes the box to the ferry or depot.

Q. Is the victim told that it is safer for the steerer to carry it? A. Oh, yes; in case there are any of the United States detectives around the depot.

Q. That is what the victim is warned of? A. Yes, sir.

Q. When the steerer gets to the depot with the victim, does he see the victim on the cars? A. Oh, yes.

Q. On his way home? A. He sees him right on board the cars.

Q. Does he go any distance with him? A. Oh, no; the trains start; very seldom they come back; maybe the next day; they may burst it on the train, and come back the next day.

Q. In case the man finds out, or the victim finds out, the fraud, what occurs then? A. There is a lookout, the tailor; if he comes back, the lookout throws a scare into him and makes out he is an officer.

Q. The tailor does? A. Yes; he is generally big and strong and looks like an officer.

Q. What does he do with the victim? A. And tells him that he is just as bad as they are, and puts himself more liable to the law than the turner or the steerer, and that the best thing he

can do is to get the train and go back home as quick as he can go; and he takes him to the depot and sends him off.

- Q. Do you know of any case where the turner has brought the victim to the police-station? A. There have been cases of that; yes, sir.

Q. What has occurred in those cases? A. Well, they throw a scare into him there.

Q. The police throw a scare into him? A. Yes, sir.

Q. Do you know of any cases, within your memory, where the victim had been brought into the station-house and where the captain or the sergeant talked with him? A. I recollect one case myself.

Q. Will you tell us about that? A. I don't like to compromise anybody or incriminate anybody.

Q. You can not help that; it is not compromising or incriminating; you are simply telling the truth. A. It is incriminating a friend; I do not want to do that.

Q. You know that we can not regard anything of that kind; we must have the whole truth and nothing but the truth, and there is no incrimination so far as you are concerned. A. Well, I will give you the illustration; but I won't tell you where it happened.

The Chairman.—Let him give the illustration first.

Q. Very well; go on? A. There was a man that had a friend, a victim; it was done about three weeks previous to this man coming on; I went to Philadelphia after him; I brought him on; it was a Sunday morning; I brought him to a certain hotel here in the city; then I took him from the hotel to a saloon where he was to meet the goods; while there two men came in, the turner and the old gentleman, the so-called old gentleman, and sat down; and he said that he didn't have the key of the safe, but he would take his order; they asked him how big a deal he was going to make; he said, "\$800;" he would invest \$800; they only had \$85 in samples to show him; the rest of the bank-roll was locked up in the safe and the banker was downtown attending to some fellow that got arrested in the business and they couldn't get the bank-roll, so we showed him \$85 in samples and the result was they says, "I will take your order; I will give you \$15,000 in the goods, but I will have to ship them to you C. O. D., and you will leave \$400 deposit; I will give you a receipt for that, and when the goods reach you; I will send them by Adams Express, and remit you through registered letter the receipt, so that you can take this receipt and go to the Adams Express Company and get the goods there; for which you will pay

C. O. D., the balance, which will be \$400 more;" so, he says, "I will take these samples here"—the victim did, and he put them in his coat pocket; he says, "Do you want my money now;" he says to the turner; the turner says, "Yes; if you please; I will give you a receipt for it;" he goes down in his pocket and he pulls a big 48-calibre and lets go.

Q. Fired? A. Yes, sir; I got the gun away from him.

Q. Didn't some one throw a coat in his face, if I remember right? A. No; I grabbed the gun myself; wrenched it out, and the turner and the old gentleman ran out and left me alone there with him; the turner took the gun out of my hand when he ran out and left me alone there with him; I, thinking that he was going to pull another one to give it to me, picked up a spittoon to defend myself with, and he drew a big bowie knife and slashed me across here. (Indicating.)

Q. Slashed you across the hand? A. Yes, sir.

Q. Have you got the marks there yet? A. Yes, sir.

Q. After this man cut you with a bowie knife, what took place? A. He ran out into the street, and he saw the turner running down the street, and he ran after him; the turner took his overcoat off and threw it in the fellow's face; he was a Tennessee detective.

Q. A town marshal? A. He was a Tennessee detective; marshal of some town.

Q. A town marshal from Tennessee? A. Yes, sir; two officers heard the rumpus; saw them running Sunday morning and a big crowd, and they arrested him; brought him to a station-house and turned out all hands; all hands were turned out; I was not arrested though; I was not brought there; the marshal was arrested there and the turner, and they both got turned out.

Q. Turned out from the station-house? A. Yes, sir.

Q. That is, discharged? A. Discharged.

Q. Will you tell us what station-house that was? A. No.

Q. You will not? A. I decline to answer that question.

Q. It was a station-house in New York here? A. Yes, sir; if you want any information about the backer you can subpoena him.

Q. I want to ask you a few questions about this old man; there are some men who play that character in New York, are there not? A. Yes, sir.

Q. How about that old bank burglar that used to play that character, you remember his name, don't you; did Bill Vosburgh ever act the man? A. He is a friend of mine; I decline to answer; that is incriminating the man.

Q. All right; I do not want to press you, because I know the situation and position in which you are; can you give us the name of any other man who acted as an old man not long ago here? A. No, sir.

Q. Is it because you do not want to give the names; is it because you decline to give the names? A. Walter Haynes.

Q. Was that big Walter? A. Yes, sir.

Q. Big Walter Haynes? A. Yes, sir.

Q. Does he act the old man now? A. No.

Q. But did up to a little while ago? A. He is away somewhere; he is out for himself now.

Q. You spoke a moment ago about the backers; suppose you give us the name of the principle backer of this business in New York? A. James McNally.

Q. Give us the name of the next rival to McNally? A. I decline to answer that; I will tell you all about McNally; I will tell you everything you want about him.

Q. You won't give us the name of the principal rival in the business of McNally—his next biggest competitor? A. Frederick Hadlick.

Q. A great deal of this mail matter must go through the post-office? A. All of it goes through there.

Q. Is it not the custom and the system to put the letters in the various letter-boxes? A. Scatter them all around the city, and sometimes put them in in bulk.

Q. And when they are put in bulk they are brought to the general post-office? A. Yes, sir.

Q. Now, from the general post-office there is a lot of mail matter delivered to the men? A. I never heard of it.

Q. They are not delivered? A. No letters come from the victim.

Q. Only telegrams? A. Only telegrams; unless, if they write a letter they have their own address; every writer has his own address; he has a private letter-box.

Q. Speaking about the victims, do you know of any case where the victims, when they receive these greengoods' circulars, send the circulars to the superintendent of police or the postmaster here? A. I have heard of such things; I have heard of Anthony Comstock getting a good many of them.

Q. Did you ever know of any case where a police officer or wardman went around to the writer and told him to strike a certain name off the list, as he was a squealer? A. I did not catch that.

Q. Do you know that after some of these men from Texas and Mississippi, etc., the victims—sometimes they sent all the cir-

culars that they received to the superintendent of police or the mayor? A. There is no doubt; there must be some complaints like that; there must be some honorable men in the United States, where there are 10,000 or 15,000 every day going out.

Q. Ten or fifteen thousand circulars go out every day? A. Yes, sir; there must be one honorable man in the whole 10,000 or 15,000, but I can not swear; I never seen any of them coming back.

Q. I want to know if you know of a case where a ward detective in this city ever went to the steerer or writer and told him to strike off his list certain names, because they had sent the circulars to the superintendent of police? A. There is no doubt about that; they all work under protection.

Q. They all work under protection; the protection of whom? A. I never had any intercourse—the steerer has never any intercourse with the officers; the only man that has intercourse with anybody is the backer.

Q. Isn't it part of the system that you all understand, all the men in that business—isn't it part of the system that you work under police protection.

Mr. Ransom.—I object.

The Witness. We all work under police protection. I will swear to that.

The Chairman.—The objection is overruled. We will take his answer.

Mr. Ransom.—You will take his answer?

The Chairman.—Yes.

The Witness.—Because they see me going along with victims. Why don't they stop me and arrest me?

Q. That is, when the police see you going along with a victim, why do they not stop you and arrest you? A. Yes, sir.

By the Chairman:

Q. Just get out whether the police know that he is in that business? A. Every one of them know it.

Mr. Ransom.—I think the witness ought to be asked to testify from personal knowledge.

The Chairman.—That was the question, whether the police know him to be in the business, and he says every one of them know him.

M. Ransom.—That is an obvious impossibility, for them all to know him.

Q. What do you mean? A. My picture is up in the Rogues' Gallery, in the Central office, and they pass me by in the street

and I have a victim alongside of me, and they bow and look and all that sort of thing.

Q. They bow to you? A. Yes, sir; I saw one at the Grand Central depot the other day.

Q. Do they know who your backer is? A. They must know.

Q. Do you know, as a matter of fact? A. Certainly.

Q. Is it known throughout the police circles who the backers of these various greengoods shops are? A. That has been running for the last 20 odd years; there are men who made fortunes in the business, making from \$50 to \$200,000.

By Senator Bradley:

Q. Do you know the policeman that saw you steering a man up at the Grand Central depot; do you know that policeman or detective; do you know his name? A. Yes, sir.

Q. Won't you give his name to the committee? A. He saw me; I can not say whether he saw me with a victim or not, but he spoke to me afterward, and he told me that I should have to keep away from around there.

By Mr. Goff:

Q. Wasn't that Detective Rogers? A. It was a detective from the Central office.

Q. Wasn't Rogers his name; you might as well tell the whole thing?

Senator Bradley.—Make a clean breast of it, George.

The Witness.—Yes, sir.

Q. We will get back to the backers; you have given us the name of McNally and Hadlick; let me ask you, isn't it a well-understood thing among the greengoods men that they have a representative in the post-office? A. Well, the mail goes through all right.

Q. Isn't it known, isn't it part of the system? A. I can not swear to that; I never saw this man, but no doubt there is somebody; they have got rights there.

By the Chairman:

Q. Without mentioning the name— A. I can not swear to that.

Q. But, without mentioning the name of the person in that office, in the post-office, is it considered by those who are in the business that you speak of, as part of the general system of that business, that they have their representative in the post-office? A. A representative?

Q. A man to look out for their interests in the post-office and see that their mail reaches them? **A.** I can not swear to that; I couldn't swear to that positively; I have no doubt there is somebody.

By Mr. Goff:

Q. Hasn't Hadlick a brother in the post-office? **A.** I believe he has; I have heard he has.

Q. Isn't it a well known thing and recognized among the green-goods men, that Hadlick got his brother appointed in the post-office through Mike Ryan, a leader in Tammany Hall? **A.** For the past 15 months I have been confined within the walls of a prison, and Hadlick's brother, if he is in the post-office, must have got there since I was in State prison; I don't know anything about it.

Senator Cantor.—Mr. Goff, do you know that Mike Ryan is a leader in Tammany Hall? **A.** I do not recognize any such name as that of a leader in Tammany Hall.

Mr. Goff.—I think your observation is correct there, Senator.

The Chairman.—The Senator said yesterday that he didn't belong to Tammany Hall.

Senator Cantor.—No; but I said that I did belong to Tammany Hall.

Mr. Goff.—I will modify that, Senator. I will say a man of influence.

Senator Cantor.—I hope you are not governed by any political prejudice, Mr. Goff, in making such an assertion.

The Chairman.—We are governed by no prejudice. On the contrary, I think the members of this committee are more anxious to get abuses which may exist among members of their own party than against anybody else. I must say that until the present time the committee has been dealing more largely with men belonging to their own party than with any others.

Senator Cantor.—I have no desire, as my fellow members on this committee will recognize, to shield any man in Tammany Hall, either in the police department or outside of it, who has been guilty of any fraud, corruption or blackmail. You have referred to Michael Ryan, as a leader of Tammany Hall, in connection with this subject. Of course, if you have personal knowledge of it, that is another thing.

Mr. Goff.—I think your observation is justified with regard to the word "leader." I may not have used the proper word there.

Senator Cantor.—But you don't know whether he belongs to Tammany Hall or not.

The Chairman.—If you will just name who the individual is, I think we can trace his affiliations afterwards.

Mr. Goff.—I may not have used the most felicitous phrase.

Senator Cantor.—But it is a question of fact, not of phrase.

Q. Did you ever hear of Mike Ryan? A. I have heard of him; yes, sir.

Q. Is he connected with the greengoods business in any way?

A. I decline to answer that.

Q. Did you ever hear of this Mike Ryan being the means of obtaining a position for Hadlick in the post-office? A. They are very good friends.

Q. Can you tell me further? A. They are very good friends, but I can not swear whether he got any position for this man or not; I was not there to see it; all I can say is they are very good friends; in every sense of the word, friends.

Q. Was it not spoken of among the greengoods men, turners and ringers, steerers and tailers that they had a man in the post-office to look after their interests? A. I have heard it; yes, sir.

Q. Do you know Hadlick's first name, the man that is in the post-office? A. I believe it is Charles.

Mr. Ransom.—I did not understand the witness to say that he knew that he was there.

Senator Cantor.—He said he understood he was there.

The Chairman.—He has even given his first name now.

Mr. Ransom.—He is assuming that he is there; I am only asking for information.

By the Chairman:

Q. Do you know that he is there? A. I heard that he was there.

Q. Have you seen him there? A. I have never seen him there.

Q. You have heard that a man by the name of Charles Hadlick is in the employ of the post-office? A. And a brother of Fred. Hadlick.

Q. A brother of this backer? A. Yes, sir.

By Mr. Goff:

Q. Would you know Charles Hadlick if you saw him? A. I never saw him in my life.

Q. Would you know his brother? A. I know him; yes, sir.

Q. Did you ever work for him? A. I did; yes, sir.

Q. Are he and McNally the principal backers of the green-goods in this city? A. Yes, sir.

Q. I ask if it is not a well-understood thing among the men working in that business that some one in the telegraph company looks after their interests? A. Yes, sir.

By the Chairman:

Q. That is a part of the general system? A. Yes, sir.

By Mr. Goff:

Q. Do you know the parties in the telegraph company that look after their interests? A. Every writer gets his own telegraph operator to look after his own interests.

Q. Every writer gets his own telegraph operator? A. Gets him right.

Q. You say, "Gets him right?" A. Pays him.

Q. Pays him? A. For every "come-on."

By the Chairman:

Q. That is to say, for every answer from a man who proposes to come on here, the telegraph operator gets his divvy? A. Yes, sir.

By Mr. Goff.

Q. Do you know if there is a man at the central office; the head office at Broadway and Dey street; the Western Union office, that is supposed to look after the interests of the green-goods men? A. I have heard so; but I have never had any intercourse with him myself; I have heard so.

Q. That is, heard it spoken of? A. Yes, sir; I can not say that he is, but I have heard so; you will have to go to the backers for that information.

Q. Are there any other backers besides the two that you have mentioned, McNally and Hadlick? A. That is all I know of that I can swear to.

Q. Are there not men in this city, small backers? A. Men all over the United States; traveling on the roads; one got arrested in San Francisco, California, the other day; three weeks ago; they are all over the United States.

Q. These men do business on their own account? A. Yes, sir.

Q. This McNally, for instance, has he got places in more than one precinct in New York? A. Well, I have known him to be all over the city; he is down here at the corner of Elizabeth and Broome streets; he has been over to Farley's

Q. Ex-Alderman Farley's? A. Yes, sir.

Q. That is in Grand street, isn't it? A. Yes, sir; he has been over to Jersey City; he has been in Hoboken.

Q. When you first knew McNally, what was he? A. He lived off the shame of a woman.

Q. Do you know her name? A. I don't know her name; but she used to keep a restaurant on Sixth avenue.

Q. If I mentioned her name, would you know it? A. No; I wouldn't name; I am speaking of 18 years ago; way back.

Q. You don't mean Lou Applegate, do you? A. No; she is merely a mistress of his; he is the sucker for her; that is the only explanation that I can give, in the slang phrase; I am not educated.

Q. When you first knew McNally, 18 years ago, he lived in this relation, you say; did he do anything at all for his living? A. Only living off the shame of a woman; he had several girls.

Q. Living off the shame of the girls? A. Prostitutes.

Q. Where did he hang out in New York? A. Sixth avenue and Twenty-ninth street; around Farrell's corner; it is on Sixth avenue; it is on the southwest corner; I am not sure whether it is Twenty-ninth or Twenty-eighth street.

Q. That is Twenty-ninth street? A. It is the southwest corner; I don't know whether it is Twenty-ninth or Twenty-eighth street.

Q. It is Twenty-ninth street? A. It is Twenty-ninth, I think.

Q. When did he first go into this greengoods business? A. About 1886, to my knowledge.

Q. Did you ever work for him? A. Yes, sir; when I got shot I was working for him.

Q. Where did you get shot? A. I got shot through the eye in Poughkeepsie.

Q. Your eye was shot? A. Shot right out.

Q. Do you carry the ball yet in your head? A. Yes, sir.

Q. You got shot by some victim, did you? A. Yes, sir.

Q. When was that? A. That was February 11, 1892.

Q. Where did you get shot? A. At the New York Hotel, in the city of Poughkeepsie.

Q. You were working for McNally at that time? A. Yes, sir.

Q. Has McNally a great deal of money invested in this green goods business? A. He is worth from \$75,000 to \$100,000.

Q. Do you mean that he has that money in the business, or is he worth that money? A. He is worth probably that in real estate and personal property; he is worth about that, so I hear; every one says so; he has got a deposit right there in the Garfield Safe Deposit Company.

Q. Twenty-third street and Sixth avenue? A. Yes, sir.

Q. Do you know that he has got to keep a large deposit on hand for the purpose of showing up? A. Yes, sir; he has always got from eight to ten thousand dollars.

Q. Always ready to show up to the victim? A. Yes, sir; right in his possession.

Q. Genuine money? A. Yes, sir.

Q. Do you know where he first started? A. He first started in Farrell's corner of Sixth avenue, wherever that street is.

Q. This one you told us about? A. Yes, sir.

Q. Did he have other places besides Farrell's corner? A. He had down at Elizabeth street and Broome; then he had over in Hoboken and Jersey City; on Tenth street, Jersey City, Tenth and Court.

Q. Didn't he ever have a place in Greenpoint? A. I was away then, when he had that place.

Q. You were in prison then? A. Yes, sir.

Q. But he did have a place there? A. Yes, sir; I heard he did while I was up there.

Q. Isn't there a place down here in Albany street, 19 Albany, I think, is the number? A. I believe so; yes, sir.

Q. Who has that; is it Hadlick or McNally? A. I understand Hadlick has that.

Q. Do you know any arrangements between the police and Hadlick or McNally that no one else will be allowed to work in the precinct with their men? A. As long as I have been working for them, I have never seen anybody else around there; I have heard of them being chased away; I have seen this Hadlick put up a job on another fellow to have him shot and the bank-roll taken away from him, that was working on the quiet; what is called stealing the guys; he put up a job on a man—I don't want to mention his name, because I might incriminate him; he is a good fellow and, of course, he has got to make a living; he rigged up a fellow as a guy, and I saved him from losing his bank-roll; that was done at a certain hotel.

Q. You saved him from losing his bank-roll? A. I saved him from losing his life and losing his bank-roll; they put up a job to murder the man; what they call stealing a guy—for instance I take a man; I rig him up; I say, "Do you want to make \$5,000 or \$10,000?" "Yes, sir;" well, you go up to a hotel-room, and I will touch the wires to a party band, bring him there with his bank-roll, and you play guy; when he comes in and shows his goods, take your gun, stick him up and take his money away from him; if he goes to make a kick, shoot him; he can not do that much; the law will protect you; see how Tony Martin got killed there in

Brooklyn; them men got out; it was cold-blooded murder; willful, deliberate, premeditated murder; fixed up; my case was fixed up there in Poughkeepsie; the man sneaked up behind me in cold blood and shot me, and sent me to State prison for three years and two months.

Q. And got money away from you? A. Yes, sir; every dollar I had in the world, about \$365.

By Senator Bradley:

Q. Well, you saved this man down here from meeting a similar fate? A. Yes, sir; from Hadlick.

By the Chairman:

Q. You don't mean to say, do you, that the police had anything to do with fixing up this game on this man you speak of? A. On Martin?

Q. Yes. A. Well, they must have had something to do to turn those two cold-blooded murderers out free; they are out in the street now, free.

Q. That is a matter of conjecture on your part; this job that you speak of, where you saved a man? A. Yes, sir.

Q. Where you saved a man from being killed — A. Yes, sir.

Q. Did the police have anything to do with putting that job up on that man? A. It is a very strange thing that they would allow a man like Hadlick to live and run around that precinct there with impunity, knowing what he is, and knowing that he is a thief and crook, from way back.

Q. And chasing everybody out of the precinct that otherwise does the same business; that is what you mean? A. Yes, sir.

Senator Cantor.— Did you say who put up this job?

Senator Bradley.— Hadlick.

A. I was put out, myself.

By the Chairman:

Q. You were put at this afterward, to hunt this man down?

A. I was put out of the precinct; I was told to keep away from down there.

Q. From the precinct? A. One of the greengoods men came to me and he said, "George, I can not go into details; I am sorry; I will do anything for you; I don't like to stop any man from making his living, his bread and butter, but I was told by a party that I can not explain, for you to keep away from this precinct; if they catch you down here they are going to run you

in; that is all, and I can not tell you the why or wherefore;" five weeks ago.

Q. But they didn't run Hadlick in, did they? A. No, sir.

By Mr. Goff:

Q. Do you know how many places McNally has now in New York? A. I have been trying to locate it for the last three months, he has had a place on the corner of Twentieth street, the Knickerbocker, Twentieth street and Eleventh avenue, and I heard he had another place there around Sixteenth street, between Seventh and Eighth avenues.

Q. Did he ever have a place up at Washington Heights? A. I don't know where Washington Heights is.

Q. Way up in Harlem; way up on the west side in Harlem? A. He had a place up in One Hundred and Forty-seventh street some years ago; about 1891 he had a place way up there in One Hundred and Forty-seventh street.

Q. Has he any other business, or does he pretend to be in any other business? A. That is the only business I ever heard of; he is a so-called pimp, living off the shame of a woman, and the greengoods business; and he was interested with that woman in the restaurant; he sold that out, and that is where he got his bank-roll from; he got all her property in his name, signed over to him, the restaurant and her money; kicked her out, and started in the greengoods business.

Q. Is there a man in the green goods business by the name of Sanders? A. Yes, sir.

Q. Has he any place in New York? A. He is with McNally; he is one of the writers for McNally; that is the name he goes by, Doll Sanders, Sheeny Doll.

Q. Did you ever know Barney McGuire? A. Yes, sir.

Q. Did you ever work for Barney McGuire? A. Yes; years ago.

Q. Is Barney in the business now? A. No, sir.

Q. He has retired? A. Yes, sir.

Q. Did you ever work for Ed. Palmerly? A. I decline to answer it; that is my friend.

Q. Palmerly is in Europe now, so you need not be afraid. A. It will come out in the newspapers.

Q. But that can not hurt him in Europe?

The Chairman.—No remark that you may make can hurt him. The question is whether you worked for him.

The Witness.—I worked for him.

By Mr. Goff:

Q. He goes by the name of Palmerly Jones sometimes, doesn't he? A. Palmerly is the only name that I know him by; he went to Europe a few weeks ago.

Q. He went to Europe a few weeks ago? A. I heard so.

Q. He is in that business, is he not, now? A. He has retired long ago, three or four years ago.

Q. Doesn't he back the business? A. No; he don't back it or anything; he is entirely disinterested in the business, in the greengoods business.

Q. Do you know if he backs the policy business? A. I don't know anything about the policy business.

Q. You only have the greengoods business? A. Greengoods business.

Q. Do you know where the first precinct is down here? A. Down at the Battery.

Q. And including Cortlandt Street ferry and Liberty Street ferry and all those ferries? A. Yes, sir.

Q. That is a pretty good place for a greengoods man down there, isn't it? A. Yes, sir.

Q. That is considered the best precinct in the city for the greengoods business, is it not? A. Well, it is to pick up a guy once in a while; the best place to pick him up, to steal him; but any precinct is good enough if they are willing to come on and do business; that place down there is quite handy — coming from the depot; but some man has to come by Forty-second Street depot, and it is a big ride through the city down there; any place near a depot is good ground.

Q. I speak of the first precinct down here; don't you know there is a good deal of steering and picking up guys down here in the first precinct? A. Well, I can candidly say that those that are stealing guys are doing at the risk of being arrested; they can not work with protection.

By the Chairman:

Q. Those are not protected? A. No, sir.

By Mr. Goff:

Q. The fellows that steal the guys are not protected? A. Working on their own hook.

The Chairman.—He says it is dangerous to do that, because they are not protected.

By the Chairman:

Q. You mean by that that it is only those who have permanent places of business, those that have a regular layout in the way of a store, and that sort of thing that get protection?

A. Yes, sir.

By Mr. Goff:

Q. The men who have got the big backer, they have protection? A. Yes, sir; like McNally.

Q. When I said the First precinct I was in error; I meant the precinct where the Church Street police station is; do you know that precinct? A. I know where it is; yes, sir; that is where Hadlick is.

Q. That is Hadlick's ground down there? A. Yes, sir.

Q. Can you tell this committee now if there are a number of places in the precinct now where this business is done, where the ringing is done, the turning is done? A. I heard the other day they are closed up.

Q. They are all closed up; but they were not closed up a little while ago; they were in full blast a month ago, were they not; they were doing business a month ago? A. Yes, sir.

Q. Didn't you hear that they were only closed up on account of this Senate committee being here? A. I heard of them being closed up; I don't know the why or the wherefore; I just heard that they were closed up.

Q. Did you ever hear of a place at 100 Wall street, near the ferry, down near Wall Street ferry; do you know where that is? A. Yes, sir; I know where it is, but I never heard of a place down there.

Q. It was called Coenties Slip? A. I never worked down that way; there might be somebody down there working on the quiet.

Q. By the way, do you remember Eugene Marvin, the printer? A. I recollect him getting arrested for printing some time ago.

Q. He is the man that did all the printing for the greengoods men; was he not? A. That I can not swear to; I never had any access to him; I was simply a steerer; the steerer don't get any of that information; that is between the writer and the backer.

Q. Did you ever fill any other capacity to a steerer? A. That is all.

Q. That is the only capacity that you filled? A. That is all.

Q. Is the steerer brought into contact with the backer; does he meet the backer? A. Only when he gets his money; when he gets his percentage.

Q. Who was the last backer that you worked for in New York?
 A. Well, I can not say that I worked with any particular party lately since I came home, but the last backer I worked for under protection was McNally.

Q. When you say protection, do you mean police protection?
 A. He guaranteed me protection — McNally.

Q. Protection from whom, or by whom? A. He didn't tell me the who or the why or the wherefore; he said he guaranteed me protection.

Q. What is the understanding? A. Well, the understanding is that I don't get into any trouble.

Q. That you wouldn't get arrested? A. Don't get arrested.

Q. In your agreement with McNally, when you were working for him, when he said he guaranteed protection, you understood by that that the police would not interfere with you? A. Yes; that I could walk along with impunity.

Q. Did you walk along? A. Yes, sir.

Q. You are well known to the detectives and policemen as being engaged in the greengoods business? A. Yes, sir.

Q. I understand you to say to the Senators here that the police have seen you sometimes with victims in tow, that you had victims with you? A. Well, they must have seen me; they passed me by.

By the Chairman:

Q. You say they nodded to you? A. If I passed by any of them and tried to pick a pocket they would see me pretty quick, but it seems that when I passed by them with a victim they never saw me.

By Mr. Goff:

Q. So that it appears this way; that you were never arrested for the greengoods business? A. No; only when I got shot.

Q. But you were never arrested for being a steerer or for the greengoods frauds, but you were arrested everytime that you attempted to pick a pocket? A. Yes, sir.

Q. So that if you went along in the greengoods business you were not molested; you were not interfered with by the police?
 A. I run nine years in it.

Q. And every time that you attempted to pick a pocket, you were promptly arrested and sent to prison? A. I ran a little over four years one time, but I was away out on the road.

Q. In the greengoods business? A. No; picking pockets.

Q. Around the ferries and at the Grand Central depot, I will take it now; do you know a detective at the Grand Central depot, by the name of McMahon or McManus, or some such name? A. I know of him; yes, sir.

Q. Does he know you? A. Yes, sir.

Q. Did he ever see you in company with a victim? A. That I couldn't swear to, because the steerer coming through a depot with a victim is never alongside of him; the victim always follows him, about five feet behind him..

Q. Following the steerer? A. Yes, sir.

Q. Has this detective ever seen you when you were steering somebody? A. Yes, sir; but I can not swear whether he positively knew that I was steering this man; but he saw me.

Q. He saw you when you were, in fact, steering a man? A. Yes, sir.

Q. And he never interfered with you? A. No, sir; never.

Q. He has seen you more than once? A. Yes; seen me four or five times a week.

Q. Will you tell the Senators the biggest day's business you ever did? A. As a steerer?

Q. As a steerer? A. I got \$600.

Q. Six hundred dollars; 5 per cent.? A. Five per cent., and what I would get off the guy afterward; after he does business I shake him down.

Q. Do I understand you that your 5 per cent. amounted to \$600? A. I never got as high as that in one day's business — just the percentage.

Q. Give us just the percentage? A. I had \$125 in a day.

Q. That is the aggregate of your 5 per cent? A. Five per cent.

Q. Where did the other amount come from that made up the \$600? A. After a guy does business, after he has given up — say he takes a \$300 deal — sometimes they are under cover; they have \$300 or \$400 left in their pocket; they are very timid; they imagine all sorts of things; they keep under cover; they only flash \$300; then, after they get through with that, I take them in hand, and I throw a scare in them; "Well, now, I have seen you through all right, and here is your train, and my fee is \$150;" so, if he is fool enough to give it up, I take it.

By Senator Bradley:

Q. You take all you can get? A. Yes, sir.

By the Chairman:

Q. And this case you spoke of, you got \$500 additional from him? A. I got about \$200 off one, and \$175 off another.

Q. You would take more than one in one day? A. Yes, sir; half a dozen.

By Mr. Goff:

Q. Will you tell the Senators the average amount of business that McNally did while you were with him? A. He has had the cream of the business; he has had on an average, to my knowledge, about \$8,000 worth of game in one day.

Q. Made \$8,000 in one day? A. One day; yes, sir.

Q. Off these victims that were brought? A. Yes, sir.

Q. Do you know how many men he had employed? A. Well, McNally had about a dozen men employed, at 25 per cent.—writers.

Q. A dozen writers? A. Yes, sir.

Q. In different parts of the city? A. No; he had them all over in Jersey; he had a shop over in Jersey; he had a dozen men employed over there, on Fifth street in a basement; the shop was in a basement; they called it the synagogue; he had Sig Hess; he was called the rabbi, and he had all those Sixth avenue pimps that formerly lived off the shame of prostitutes up there; he picked them all up from Sixth avenue, and put them to work for 25 per cent. in the synagogue.

Q. How many men had he that worked in New York, do you know? A. Well, then he had 50 per cent. men, that put out their own money; these men he backed for their labor, these over at the synagogue; he backed them for their labor; put up the money for them, for the stamps, and gave them 25 per cent. of every guy that they would bring on; working on speculation.

Q. That was a speculation? A. Yes, sir.

Q. Those men that put up their money and were backed by McNally they got 25 per cent.? A. Fifty per cent.

Q. Could you tell the Senators about how many men all over McNally had working for him in the greengoods business at one time, take the writers and the steerers and the turners and the ringers and the tailers, and the old men, altogether; how many? A. I couldn't give you the exact number of them; it would take some time to figure that up.

By the Chairman:

Q. About how many?

Mr. Goff.—Let him figure that up, if you please, Mr. Chairman.

A. About 35.

By Mr. Goff:

Q. I understood you that you got 5 per cent.? A. Yes, sir.

Q. Was there not 10 per cent. to go to the steerer altogether?
A. Well, we were entitled by rights to 10 per cent. but 5 per cent. was held back on us.

Q. What was the 5 per cent. held back on you for? A. They say for protection.

Q. That 5 per cent. was held back by the backer, by McNally?
A. Yes, sir.

Q. Or any other man that you were working for? A. Yes, sir.

Q. First you were entitled to 10 per cent.? A. Yes, sir.

Q. But 5 per cent. was kept back for the purpose of paying for protection; is that it? A. Yes, sir.

Q. And by that protection you understood it was for police protection? A. What I understood was I could go along with impunity; I don't say police particularly; I say I could go along with impunity.

Q. And not be interefered with? A. Yes, sir.

Q. Or molested or arrested? A. Yes, sir.

Q. Wasn't there a railroad conductor up on the New York Central interested in the business, too? A. New York Central?

Q. Yes.

Senator Bradley.—The Hudson River road?

A. Yes; but he is dead; all I know is that he was a wise, fly fellow, and knew what was what; he always minded his own business; I don't know whether he was made right by financial means; all I know is, that he was a wise man.

Q. I didn't know that he was dead, or I wouldn't have asked for his name; I will take the ferries down here; don't some of the men around the ferries know the business that you and the other men are engaged in? A. Certainly; all of them do; all the cabmen; they are looking for themselves.

Q. They are looking for the guys themselves; they like to do a little business on their own account, is that it? A. Yes, sir.

Q. And these cabmen are allowed to stand around the ferries there? A. Yes, sir.

Q. How about the ferry hands; do they know anything about it, or are they mixed up with them in any way? A. They know enough to knock a guy if they get a chance.

Q. Knock a guy if they get a chance? A. Knock him so that you can not get him.

Q. They will notify the guy? A. They will notify him.

Q. That is what you mean? A. Yes, sir.

Q. That is, that the ferryman will caution him against you or the other men working? A. Yes, sir.

Q. So that the ferrymen are not engaged with you in steering the guy or taking hold? A. No, sir.

By the Chairman:

Q. They will try and protect the guy? A. They will protect him.

Q. Against you? A. Yes, sir.

By Mr. Goff:

Q. Take the police that are stationed at these ferries; do they know you; know the men that are working at these ferries? A. They never showed any recognition of me.

Q. But you were never molested by them? A. No.

Q. Did you know any of the other steerers engaged in that business that were ever interfered with by the police at the ferries? A. I never saw any of them get into trouble.

Q. So far as what you call protection is concerned, do you know of other cities, in your business, where protection was guaranteed to you? A. Never; no other city; anybody that works in any other city, works on the quiet; he can not work with impunity; no other city in the United States.

Q. Only New York? A. Yes, sir.

By Senator Bradley:

Q. Not even in Brooklyn? A. That belongs to New York.

Q. No; Brooklyn don't belong to New York? A. Well, I have heard of them working over there, but I couldn't say whether they were working under protection or not; that is where Martin got shot.

Q. You were never guaranteed any protection there, were you? A. No, sir.

By Mr. Goff:

Q. You never worked in Brooklyn? A. No, sir.

Q. New York is the headquarters, is it not, the central place? A. Yes, sir.

Q. And I understand that New York is the only city in the Union, so far as you know—? A. That I can go along with impunity in.

Q. That you can go along in safely? A. Yes, sir.

By the Chairman:

Q. Did I understand the witness to say that New York city was the only city in the country in which immunity from arrest was to be had? A. Yes, sir.

Senator Saxton.—In which he could go along without being interfered with.

By Senator Saxton:

Q. Do you mean by that, that you are known in all the cities of the country? A. I have been sent away, after them, and I would have to be very careful; I would be sent after a victim after a messenger.

Q. You mean that in any other city of the country you are so well known that you would be likely to be interfered with, except New York city? A. I never was interfered with in New York city, but in another city I have.

By Mr. Goff:

Q. Would you tell us where McNally lives? A. I understand that he built a house up in Bridgeport, Conn.; I believe that is his permanent place of residence; he has got a livery stable there at 14 West Forty-fourth street, near Fifth avenue.

Q. Forty-fourth street near Fifth avenue? A. Yes, sir.

By the Chairman:

Q. In this city? A. Yes, sir.

By Mr. Goff:

Q. I understood you to say that he had no other business but this green-goods business; how is it that he has a livery stable? A. He has his brother there, Walter; he has his rigs in there, where he can be found.

Q. So that so far as the livery stable is concerned, that is only a blind, is it? A. Apparently; yes, sir.

Q. Doesn't Ed Parmerly live up at Bridgeport, too? A. I heard he was up there.

Q. Did I understand you to say that big Walter Haines was now doing the old man act in New York? A. Well, he has been turner, and old man and everything else.

Q. He has gone through the whole range of preferment in the business, is that it? A. Yes, sir.

Q. Does McNally, or did he, to your knowledge, ever do any of those things himself; did he ever steer? A. He used to turn, himself.

Q. He used to what? A. He used to be turner himself.

Q. By the way, do you know anything of this new act of theirs in the cab, where the box is changed in the cab? A. Yes, sir.

Q. That is the newest invention, isn't it? A. That is a new invention.

Q. Will you explain that to the Senators, the new invention, how the money is changed in the cab? A. The cab is up against the curb of the walk, and the steerer walks ahead, and the turner walks with the guy, and he is talking to him; the steerer gets in the cab first, and he sits toward the door leading to the middle of the street; when he gets in there is a ringer down here by his left foot; say this is the walk—

Q. A what? A. A ringer.

Q. A little valise? A. Yes.

Q. Then he gets the guy; this is the sidewalk here, and the turner sits in front; he has a Buffalo robe or a blanket over your knees, displays the goods right there; after he is through, and he is satisfied, and he gets the money, gets paid for the goods, he says to the steerer, "You take Mr. So-and-so to the depot and see that he gets his ticket and gets away all right on the train;" we get down to the depot; the turner opens the door, and naturally the guy has to get out, and his back is turned; I pick up the ringer and cover up the goods with a covering.

By the Chairman:

Q. And substitute the other for it? A. Yes, sir; and I take the bag, the ringer.

Q. Meanwhile you have taken the good bills out of a bag? A. No, sir; there are two bags alike.

Q. You have changed the bag? A. Yes, sir.

Mr. Goff.—The ringer is the dummy bag, I understand, Senator.

Q. What do they put in the ringer or the dummy bag, brick? A. Bricks, or to give it the same weight of \$10,000, or whatever the amount is; sometimes they have papers cut the size of a bill; if they get a hard guy, they give him tops and bottoms.

Q. A hard guy? A. Yes; a fellow that wants to count them all the time.

Q. That is, a bill at the top and a bill at the bottom? A. Yes, sir.

Q. And then pieces of paper cut the same size as bills to make up the package, apparently? A. Yes, sir.

Q. That is for a hard guy? A. Yes, sir.

Q. A man that is suspicious? A. Yes, sir.

Q. Does it ever occur, or has it ever occurred in your experience, where a man has been taken in once, that he ever come on again? A. I have seen him beat three or four times.

Q. The same man? A. Yes, sir.

Q. How did that happen; do they make any explanation about having been beaten before? A. Well, sometimes - the first time he has been beaten they take his order; then the next time he comes on they express the goods; they lose it through the express company; they bring him on again, and he carries it away with him to the depot in a bag, and they make him check it with his ticket; then the baggageman must have stolen it; the next time he carries it along with it himself, and then he opens it!

Q. That is the last time? A. Yes.

Q. I suppose you know a guy when you see him pretty well, can select him out pretty well in your experience? A. Yes, sir.

Q. Can you say if that business is being done to-day in New York? A. Yes, sir.

Q. By the way, we spoke of Parmerly; do you know what sent Parmerly to Europe, Ed. Parmerly; he went about Saturday week last, I think? A. Very sick; very, very, sick.

Q. Do you know if Parmerly is acquainted with Captain Meakin? A. I don't know what intercourse or how much intimacy he has; I don't know whether they are friends or personally acquainted or not; I never saw them together.

Q. Do you know of Parmerly making presents to Meakin of anything? A. I don't know of any presents; I never saw him making any.

Q. Did you ever know of Parmerly making a present of a horse to Captain Meakin; did you ever hear of it? A. No, sir.

Q. Do you know a man by the name of Dixon? A. That is the name I went under.

Q. Did you ever go under the name of Gillette? A. Yes, sir.

Q. Did you ever go under the name of Wilson? A. You asked me if I went under the name of Gillette?

Q. Yes. I thought you said if I knew of anybody by the name of Gillette.

Q. That is what I asked? A. Yes; I knew him.

By the Chairman:

Q. But you didn't go under that name? A. No.
Mr. Goff.—He went under the name of Dixon.

By Mr. Goff:

Q. Where is Gillette now; do you know? A. I haven't seen him in three years; I guess he has retired or is in business for himself, legitimate business.

Q. By the way, is Frank Turner in New York? A. I don't know that name.

Q. Do you know a man by the name of Frank, who is called Frank? A. Frank Pollard.

Q. He acts as a turner, called Frank the Turner? A. I never heard of him; do you mean Frank McGuire?

Q. Do you know Frank Rivers, who acts as a turner in the business? A. I never heard of him; Frank McGuire.

Q. Does he act as turner? A. He used to, but he don't now; he used to be with Barney McGuire.

Q. Is he a brother? A. They are cousins.

Q. Do you know Frank Jones? A. Yes, sir.

Q. Does he act on his own hook, or is he backed by McNally or Hadlick? A. I don't know exactly where he is; he is everywhere; he is with McNally some days; with anybody that will give him anything to do; he has no permanent place.

Q. There are quite a number of men in New York who are trying to steal the guys from the regular backers? A. Yes, sir.

Q. They go on their own hook? A. Yes, sir.

Q. Those men, you say, have no protection? A. No, sir.

Q. Isn't it a fact that they are driven out of some precincts, will not be allowed to go into them? A. As far as my observation goes, they are always complaining, saying, "You better keep out of down there," and they put up all sorts of jobs on them.

Q. Do you know Captain O'Connor? A. The greengoods men that are in these wards put up jobs on the men that are out stealing guys.

Q. The greengoods men who are in the wards or precincts put up jobs on the outsiders? A. Yes, sir.

Q. And fellows that are stealing their guys? A. Yes, sir.

Q. Did you ever meet Captain O'Connor down at the Church street police station-house? A. The only time I met O'Connor, I met him to my sorrow, in a court-room, when he was a detective in the district attorney's office.

Q. That is the only time you have ever met him? A. Yes, sir.

Q. You never met him since he has been down in the Church Street station? A. No, sir.

Q. That is one of the times you were arrested? A. Yes, sir.

Q. Why did you give up the business? A. Why, I was forced to give it up.

Q. Who forced you? A. As I told you, I was told to go out of the ward.

Q. What? A. I told you I was told to keep out down there; to keep away from down there.

Q. Is that out of the first ward, down there? A. Yes, sir; by Hadlick.

Q. Do you know a policeman by the name of McNally, down at one of the ferries or railroads? A. Jersey Central.

Q. Is he on the New York side? A. No; he is over on the Jersey side; he comes across the ferry once in a while.

Q. He comes across the ferry to New York? A. He belongs to the railroad, the ferry.

Q. He is a railroad policeman; is he in with the boys? A. Well, I can not swear that I ever saw him intimate with them.

Q. What? A. I can not say that I ever saw him intimate with any of them or talking to them; I saw him around there very often; see guys going over there.

Q. Does he wear a uniform? A. I never saw him; no, sir.

Q. Never saw him in uniform? A. No, sir.

Q. You may have forgotten, and I want to ask you, will you state to the Senate committee the circumstances of your being turned out of the business; how you were forced out of it? A. My only supposition in reference to that is—

Mr. Ransom.—Will we take the supposition?

The Chairman.—Don't tell about your suppositions. Tell the facts as you know them to be.

A. (Continued.) I was told that I would be stopped working; that McNally would do me all the injury he could to stop me from getting a living, and then three or four days after that I was told to keep away from down that ward; he couldn't go into details telling me the who, why and wherefore, but I would have to stay away.

Q. So far as you know, did I understand that the police had anything to do with stopping you? A. I couldn't swear to that.

Mr. Ransom.—I don't think that is a fair question.

The Chairman.—He says he can not swear to it anyway.

By Mr. Goff:

Q. Did you tell us who put the job up on you in Poughkeepsie at the time that you were shot? A. Well, I was sent there with a letter.

Q. Who sent you? A. A sealed letter, by one of McNally's men.

Q. What was his name? A. Doll Sanders; he sent me there with a letter; I presented a letter.

Q. To whom? A. To Cassell and Hogshead, the men that shot me; Ira Hogshead and Hiram Cassell; I delivered that note to them; I was told to take them down to New York where they would be met by Mr. Mansfield, their friend, whom they came on to do business with; on the way down to the depot an officer up there who keeps a saloon on Market street; I don't know

whether his name is Mullen; all I know is that he is an ex-shoe-shop keeper in Sing Sing prison, but I hear he is an official on the railroad; I saw these two men following me down to the depot; he asked one of them if they were connected with me, pointing out me; they said, "Yes;" he said, "Have nothing to do with him; he is a sawdust swindler; I didn't hear or see this man warning them until I got down to the depot; I saw only one man standing on the platform; I went to him and asked him what was the matter with his friend; he said, "I don't know;" "He stopped to talk to somebody," I said, "That will never do; he knows the nature of his business and he shouldn't talk to anybody; I will go back; don't you board this train until I come back;" I went up and I saw this Hogshead standing over the tunnel there at Poughkeepsie, trying to attract his friend's attention; I called up to him and asked him what was the matter; he says, "I don't go no further; you are a swindler;" I said, "I beg your pardon; I don't know what you are talking about; you go back to your room and explain yourself; I will go and bring your friend;" I went back to the depot and brought his friend back to the room; when I went up his friend sat down on the edge of the bed, and he stood up, and he had his valise on a chair and his valise was open and he had a bottle of whiskey in his hand, drinking, the man named Hogshead; I asked Hogshead what was the matter; he says, "Well, I don't go no further with you;" "Why?" he says, "You are a swindler;" I said, "You have come all that distance to insult me in that manner. I told you I was simply a messenger in that matter, and I am sent here to conduct you to your friend, Mr. Mansfield; now, if you have any doubts as to the honesty of the business which you have come on to-day — to-day is Sunday, the banks are all closed, or I would have you go and deposit your money and valuables in the bank; but this is a first-class hotel; you can deposit your money and valuables in the safe and come down with me empty-handed, and I will pay all your expenses; furthermore, I will leave you whatever money I have in my possession, my watch and chain, and my stud, and when you get there, if you find that the goods are not just as they have been represented to you, I will pay your expenses to and from your home, and make you a present of this," showing him my watch; Cassell says, "That is fair and square, Hiram, that is fair and square;" he says, "I don't care; I will not go another step;" "Well," I says, "I will bid you good-bye; I am sorry you are leaving the opportunity of your life go by unheeded;" he wouldn't shake hands with me; I turned around to his friend, and I said, "I will bid you good-bye, Mr. Cassell, and any time you wish to make up your mind, you know where the address is; I

will bid you good-bye;" I started to turn away from Cassell; he still had my hand; my back was turned to Hogshead, and he had a 38-calibre revolver in his valise; he threw it up against my eye here and let go; I didn't remember anything for eight days; so, the case came to court; it seems the official up there—the judge, off the bench—says to me, "I am somewhat against you;" I said, "Why are you against me; what have I done?" "Well, we are out for the money," he said; I will swear to that—a judge off the bench.

Q. What judge said that? A. Judge Morchauser.

By the Chairman:

Q. That is a Poughkeepsie judge? A. Yes, sir; I got the case in book form.

By Mr. Goff:

Q. You have got the case in book-form? A. Yes, sir.

Q. It was printed in the courts? A. Yes, sir; I brought it to the Court of Appeals.

Q. You brought the case to the Court of Appeals? A. And they reversed the decision of the law court and turned me out; I was there 10 months.

Q. Give us the name of this judge? A. Judge Morchauser.

Q. What was he, a justice of the peace? A. He was the recorder of the city of Poughkeepsie.

Q. Was he the judge before whom you were brought for trial? A. He was the judge that issued the warrant for my arrest when I lay in the hospital, to commit me to the grand jury, without bail, as if I had been a murderer.

Q. As if you had been the man who had done the shooting? A. Yes; he sent me to the grand jury, without bail, and kept me four weeks without a hearing; I was entitled to a hearing every 24 hours, and he wouldn't give me any hearing for four weeks; kept me locked up in jail, trying to shake me down for money.

Q. You had been shot at this time? A. Yes, sir.

Q. Your eye shot out? A. Yes, sir; given up for dead.

Q. And you were four weeks in jail? A. Yes, sir; my trial was a farce.

Q. Was McNally ever arrested, to your knowledge, in connection with the greengoods business? A. He never did two hours in a jail in his life, to my knowledge.

Q. I am speaking now of McNally, the backer, Jim McNally? A. He never was arrested, to my knowledge, in his life.

Q. How many years has he been engaged in this greengoods business? A. To my knowledge, since 1886.

Q. Right here in the city of New York ? A. Yes, sir.

Cross-examination by Mr. Ransom:

Q. Did you personally ever pay a policeman in the city of New York any money to protect you in your business ? A. I never did in the greengoods business; I never paid any money myself personally in the greengoods business; never paid personally to an officer; the 5 per cent. of the 10 per cent. was paid for protection to the backer; he is the man who could tell you.

Q. I want simply an answer to my questions; if I can get your personal knowledge ? A. Yes, sir.

Q. A good deal of evidence which has been given by you is what we call your business knowledge, or understanding; I want you to testify to me two or three questions from your personal knowledge; have you ever paid to any police captain or police sergeant in the city of New York any money to protect you in your business, either as pickpocket or a greengoods man ? A. No, sir.

Q. Do you know, of your own knowledge, that any captain or sergeant of police in this city was ever paid by anybody any money to protect you or your employer in the greengoods business; remember, I ask you for your personal knowledge ? A. I can not swear to that; no.

Q. All you know upon the subject of protection furnished by the police to your people in your business is what somebody has told you ? A. What the backer told me.

Q. And you believe what he told you, of course ? A. I believed it.

Q. And you allowed him, under your arrangement, to hold back, as I understand, 5 per cent. of your gains or profits or interest for the protection which he told you was furnished ? A. Yes, sir.

Q. And that is really all you know about it ? A. Yes, sir.

Mr. Ransom.—I have no further questions.

By the Chairman:

Q. But you do know this, do you not; that in this city, where you have been known as a criminal for years by the police, that when you paid the 5 per cent. you got absolute protection and immunity, and when you left this city to go to other places in the country you had to act cautiously and had no immunity from arrest ? A. Yes, sir.

By Mr. Ransom:

Q. I suppose that your answer to the chairman, being translated by me—if you will adopt my translation—is that in the city of New York you have never been troubled by the police when engaged in the greengoods business; have you or not?
A. I have passed under their very eyes with victims alongside of me.

Q. That we have already had. A. With impunity.

Q. You say with impunity? A. And I give 5 per cent. of my money to the backer, for he guaranteed me protection; McNally guaranteed me protection.

Q. When you say you have passed by the police with a victim with impunity, you mean by that— A. They would stand around on corners and away, and I would pass them right by.

Q. When you say you have passed the police officers with a victim with impunity, you mean that the police officer has not arrested you? A. Has not arrested me.

Q. That is what you mean? A. Yes, sir.

Q. You don't mean anything else but that? A. Has not arrested me.

By Mr. Goff:

Q. You said, in answer to Judge Ransom, that you never paid any money to any police officer or captain in the greengoods business; did you ever pay money to a police officer or captain for any other business, or in any other transaction? A. I decline to answer that.

Q. You said that you didn't pay in the greengoods business, and that was true? A. I never paid a dollar in the greengoods personally.

Q. But you won't say the same thing with regard to other matters that you have been engaged in; you will not say that you didn't pay the policeman money for protection? A. Well, being under oath, I will state that I was caught with a revolver on my person once at an opium joint, and I gave up \$25, and I got my revolver back.

Q. To whom did you give the \$25? A. I decline to answer that.

Q. Did you give it to a police officer or a sergeant or a captain? A. To a police officer, a detective.

Q. A detective who arrested you? A. Yes, sir.

Q. But you decline to mention his name; is that it? A. Yes, sir.

Q. Was it a ward detective, or was it a Central Office man?
A. A Central office detective.

Q. Is he there now? A. Yes, sir.

Q. Where were you arrested? A. In Forty-second street, McNally's opium joint.

Q. Then McNally keeps an opium joint, as well as a green-goods business? A. He used to keep it; he used to back it.

Q. Where in Forty-second street was it? A. Over Whittaker's stables.

Q. Near what avenue? A. Broadway—Seventh avenue there.

Q. How long is that ago? A. Somewheres in 1884 or 1885; I forget; my memory is bad; I think it was in 1888 or 1889, I aint sure.

Q. Was there a regular raid made upon the joint? A. No; there was no raid; he was told to close up.

Q. They were not arrested? A. No.

Q. Nobody was taken to the police station? A. No.

Q. Was there more than one detective at the raid? A. They were to close up; they got a warning to close up.

Q. Was it at that time that you were arrested with a revolver in your possession? A. Before they were closed up; no; I was laying down there smoking one day; I had just come into the city; I was laying down smoking a pipe and a party came up and handed me a letter in a lady's handwriting; it read, "Friend George.—Please come down to the corner of Forty-second street and Seventh avenue and take me down into the joint; I have got a very bad habit and they will not let me in because I am a stranger. Yours, Mamie." I knew several girls by the name of Mamie that were addicted to the use of opium; knowing her feeling, I went down to see if I could get her in. I went down to the corner; I didn't see any lady there; nobody; I went over to the saloon, thinking that she might be in the private entrance there; the family entrance there; the family entrance; the side-door entrance; I looked in and didn't see anybody; when I came out there were two detectives; they said, "They want to see you down below;" I said, "What for;" they said, "Well, Byrnes wants to see you;" I said, "What does he want to see me about;" they said, "We have got your pal down here;" I said "I have no pal; I don't travel with anybody; whom do you allude to as my pal;" they said, "Big Walter."

Q. Walter? A. That is another big Walter.

Q. Not Haines? A. No; says I, "I left my overcoat over there; was it you signed that letter Mamie sent a decoy in to get me out this way;" he laughed; I said, "I want to go back to get my overcoat;" I had a revolver on me that I had just purchased that day, and it was not loaded; and think-

ing that they might sentence me to six months or fine me, I wanted to get rid of the revolver; so he says, "Never mind; come over to the Rossmore Hotel, and I will send a boy after your coat;" so I went over to the Rossmore and went to the bar, and I treated them to a cigar; I said to the bartender, "Where is the urinal;" he said, "Right down stairs, sir;" I started to go down and tried to get rid of the revolver; that is all I asked to go down for; on the way down, I tried to get rid of it and he caught it, the detective; he said, "What are you doing with this George?" "Oh," I says, "I will make you a present of it; I was going to get rid of it; that was all;" he said, "You know we can do you on that;" I said, "I know it;" "Well," he says, "You know what it will amount to?" I says, "Yes; about a month or may be \$10 fine;" "Well," he says, "You can fix that all right; you have got plenty of money;" I says, "No; I have not;" "Oh, yes; you are a regular Jew with money;" "Well," I said, "What is your price?" they said, "\$25 apiece;" I said, "I'll give you \$25; that is all I have got;" and I gave it to him; I got turned out the next morning; I was only arrested as a suspicious character.

Q. Were you brought down to headquarters? A. Yes, sir.

Q. And kept there as a suspicious character? A. Yes, sir.

Q. And there was no charge made against you? A. Only suspicious character.

Q. You were not put through to the third degree, were you; you know what the third degree is at police headquarters? A. No, sir.

Q. You got turned out next morning, did you? A. Yes, sir; Judge Duffy.

Q. Before Judge Duffy? A. Yes, sir.

Q. And they made no charge against you at the police court? A. No, sir.

Q. I will only ask you one or two more questions and let you go; I suppose you are tired? A. No; I am not tired.

Q. Did you ever meet Captain O'Connor but once in the district attorney's office? A. I met him on Broadway several times when I was a boy.

Q. But lately, since you have been in the greengoods business? A. I have seen him pass by — I saw him cross over a street one day at a distance; I was about a block away; I saw him crossing a street, but I never spoke to him.

Q. Did you ever speak to Captain Meakin? A. Yes, sir; I spoke to him; I was brought up with him.

Q. You know Captain Meakin? A. Yes, sir.

Q. He knows you? A. Yes, sir.

Q. You were brought up with him? A. Brought up in the same ward.

Q. Does Captain Meakin know that you are in the greengoods business? A. He is a pretty smart man; he knows everything.

Q. Did you ever have any connection with him in the greengoods business? A. I never did.

Q. Did any of your people ever have any connection with him? A. Not that I know of; I can not swear to it.

Q. Was it while you were in business and while McNally had his place of business uptown; do you know anything that occurred in relation to Captain Meakin? A. Only about that Tennessee police officer.

Q. About the marshal? A. That is the only thing I know of.

Q. Where was he then; what precinct? A. Meakin?

Q. Yes. A. Down on the 14th, I think.

Q. Do you remember what street it was where you were brought; where the Texan marshal was brought? A. One Hundred and Eighteenth street.

By Senator Bradley:

Q. Was that where the station-house was? A. He was brought to the One Hundred and Twenty-fifth Street station.

By Mr. Goff:

Q. That is Captain Meakin's station-house? A. Yes, sir.

Q. You say Barney McGuire is out of the business? A. Yes, sir.

Q. Barney used to keep an opium joint himself, used he not? A. Yes, sir.

Q. Where did Barney keep his opium joint? A. In Croshy street; Mat Grace's old place.

Q. You used to go in there? A. Yes, sir; I got arrested there; I got three years and a half out of there.

Q. That is one of the times you got arrested for picking pockets? A. Yes, sir.

Q. Did you ever see policemen in there? A. Oh, yes; lots of them.

Q. Going into smoke a pipe? A. Yes, sir.

Q. Of opium? A. Yes, sir.

Q. Do you remember Captain Meakin when he was Sergeant Meakin? A. I remember him; yes, sir.

Q. Did you ever see Sergeant Meakin in there? A. Never.

Q. But you saw a good many policemen in there; will you tell the committee had the policemen to pay anything for a pipe? A. Oh, no.

Q. Or used they get it free? A. Free.

Q. Outsiders, used they have to pay? A. Oh, yes; 50 cents and a dollar.

Q. About how long was that ago? A. I came home in 1884; I got three years out of there; I did two years and eight months out of three years and a half; it was in 1881.

Q. That was the usual charge, was it, 50 cents and a dollar? A. Fifty cents a shell.

Q. Are there not some men in New York known as shell men? A. Yes, sir.

Q. What does that mean? A. Peeling walnuts and putting a little rubber ball under them; you have got to guess the joker; thimble-rigging.

Q. Do you smoke a pipe yourself, do you not? A. Yes, sir.

Q. You can not get along without it very well, now, can you? A. Yes, I can; but I have got the habit; there is only one remedy for it, and that is compulsion.

Q. That is to compel you to keep without it? A. Yes, sir.

Q. When you can get it, and it is within your power, you do get it? A. You drift right to it; you can not resist the fascinating temptation, the feeling, the inclination to lay down.

Q. There are a good many opium joints in New York now, are there not? A. Well, everybody has got his own layout now; they are all closed up, but there may be one or two; everybody that is a smoker — there are 10,000 smokers right in New York city —

By the Chairman:

Q. And they have each got their layout, you say? A. Yes, sir.

Q. That is to say, they have their own private pipes? A. Yes, sir; pipes.

Q. And places for smoking? A. The same as men have their own tobacco and pipes; that is a coming vice here.

By Mr. Goff:

Q. Are there not places here in New York where people go to smoke a pipe by paying so much? A. You can do it, but you have got to know a friend; it is a friend to friend — a friendly acquaintance, not a friend; you go there and you do not like to smoke his opium for nothing; it is a very expensive luxury; if you are an opium smoker, and I call on you, and I am down town here, and I want to smoke and have got to have it, I naturally think of you, and go to your house and ask to have a smoke, and I leave a half a dollar there, so that you can get some more for yourself.

Q. That is the way it is done? A. That is the way it is.
Q. Now, there are no regular joints running?

By Senator Bradley:

Q. How long since the joint was abolished? A. About a year ago.

By the Chairman:

Q. What is "Yen-yen"? A. That is the opium desire; "Yen-yen" means desire, want.

By Mr. Goff:

Q. Isn't there a joint in Pell street now? A. There is no regular joint; there are lots of Chinese — that is the natural vice of the Chinese, and, naturally, every Chinaman has his own lay-out; there are girls there that have fallen down from forming that habit; have got addicted to that habit, and, naturally, they are living with these Chinamen down there.

By Senator Cantor:

Q. I am requested to ask you whether "Yen-yen" was not the password that was used to enter those joints? A. They don't have any password; they know everybody; you can tell a person —

By Mr. Goff:

Q. In this place in Pell street, haven't you seen policemen in there smoking? A. No, sir.

Q. Not lately? A. I have seen them standing around; there is a law against selling opium, I believe.

Q. Well, do they stand around in front of the place? A. I have seen them standing around Chinese stores, around the stores where they sell this.

Q. Don't you know that in many of these places up around Pell street and Mott street that the Chinamen sell opium prepared right for smoking? A. All opium is bought that way, prepared that way, for smoking.

Q. But these Chinese merchants sell it right out? A. Yes, sir.

Q. Any one who goes there can get it? A. Yes, sir.

Q. Did you ever see or know of any police interference up there with the sale of opium? A. Not to my knowledge.

Q. And the policemen are around there? A. I have heard of the one at 15 1-2 Mott street being arrested for having smuggled opium there.

Q. Don't you know of some places up there in Chinatown where there are white girls prepared and brought there for Chinamen? A. There are white girls there; they live there right in tenement-houses; right in amongst them.

Q. Is there not a place there where young white girls are specially brought for Chinamen? A. There are white girls there, yes; they live around there; they have their own homes; pay their own rent, and make their living that way; there is no doubt about that; they are prostitutes that have got down to the opium habit and have got to get money to buy it; they can not work.

Q. What I want to know is, is there not a place up there where white girls are procured; do you know what procured is? A. They can be gotten there; yes, sir; but I don't know of any place.

Q. Do you know Mrs. O'Donnell's place? A. I do.

Q. Doesn't Mrs. O'Donnell keep a place for procuring young girls for Chinamen? A. I know she has girls boarding there; that is all I know of.

Q. White girls? A. I couldn't swear whether she procured girls for immoral purposes or not; all I know is she boards a couple of girls.

Q. Don't Chinamen go there? A. I see Chinamen around there; I never saw them inside her house.

The Chairman.—Do you want to call any more witnesses to-day, Mr. Goff?

Mr. Goff.—Considering the circumstances, we had better adjourn.

The Chairman.—All witnesses subpoenaed for to-day and not examined will appear here to-morrow morning at half-past 10 o'clock, to which time this committee stands adjourned.

Proceedings of the twenty-seventh meeting of the committee to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the Superior Court, in the County Court-House, in the city of New York, Friday, June 15, 1894, at 10:30 a. m.:

Present.—Senators Clarence Lexow, Edmund O'Connor, Jacob A. Cantor, Daniel Bradley, George W. Robertson and Cuthbert W. Pound.

John W. Goff, Travers Jerome and Frank Moss, of counsel for the committee:

De Lancey Nicoll, counsel for the police board.

Chairman Lexow.—Are you ready, Mr. Goff?

Mr. Goff.—Mr. Chairman, I observe in the court a number of men connected with the police courts of this city, not here as witnesses. They are monopolizing seats where witnesses are required. They are not here as witnesses. I don't know what their business is. We ought to have accommodation for our witnesses; and these men, who are here for some purpose attending the sessions of this committee day after day without being called as witnesses, are connected in some mysterious way with the police of this city. I wish to give public notice if they do not leave their chairs, and if they continue to come here, I will point them out openly in court, and I give them public notice here to-day. They have attended these sessions day after day and monopolized the chairs here. I have my own idea as to their purpose.

Chairman Lexow.—There ought certainly to be accommodations provided for the witnesses.

Julia Hiedady, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Jerome:

Q. You speak English, do you? A. No.

Q. What language do you speak? A. Hungarian.

Marcus Braun, was sworn by Chairman Lexow to translate the testimony of the witness truly, and the witness was examined through the interpreter.

Q. What is your business? A. I have had a cafe myself, but lately I am working.

Q. Where did you have your cafe-house? A. In Allen street.

Q. What number? A. Eighty-nine.

Q. When did you first open that cafe-house? A. Last year, November 15th.

Q. How long did you keep it open? A. Two and a half months.

Q. Did you have girls there? A. Yes.

Q. While you were there did you see any police officers at your place? A. Yes, sir; I saw; and once I was arrested because I sold schnaps.

Q. What officers did you see at your place? A. Levy.

Q. Who was Levy, the wardman in that precinct? A. He was the detective.

Q. How long had you been open before you saw Mr. Levy? A. One month.

Q. What did Mr. Levy say to you? A. He did not say anything; he simply called me; I should go with him because I am selling liquors.

Q. And he arrested you ? A. Yes, sir.

Q. What became of your case? A. Nothing; there was nothing done with me, because I was not done, and I never sold the liquors.

Q. Were you discharged in the police court the next day? A. Yes, sir.

Q. Did they lock you up over night? A. No, sir; I was bailed out.

Q. Who was your bondsman? A. It was a saloon-keeper in Rivington street, but I don't know his name.

Q. Who got you your bondsman? A. A girl who was working for me.

Q. Did you have to pay for it? A. No, sir.

Q. When did you next see Mr. Levy after you were arrested? A. The next day in court.

Q. Did you have any talk with him? A. No.

Q. When did you next see him after that? A. The day after I saw him.

Q. Where did you see him? A. In that beer saloon.

Q. What did you say to him, and what did he say to you? A. He said that he—he told me to tell the truth to the court, and on account of that I was discharged.

Q. What next? A. I thanked him for his kindness; I told him at the same time my partner would pay him for the future; that there should not anything happen of that kind anymore.

Q. What did he say to that? A. Not I said that, but my partner said.

Q. But you were there? A. Oh, that did not happen while I was in the saloon; when my partner said that to Mr. Levy I was not there.

Q. Did you see Mr. Levy after that? A. I saw him, but as I could not speak to him, we were not doing any talking.

Q. Did you ever give him any money? A. I did not give him at no times; but my partner said always that he pays—

Mr. Nicoll.—One moment, please.

By Mr. Nicoll:

Q. Did Mr. Levi used to come to your place often? A. Yes, sir; he was there; but I never spoke to him.

Q. Did you see your partner speaking to him? A. Yes; my partner was speaking to him, but once he was not at home when Mr. Levi called.

Q. Then what happened? A. Then he went away.

Q. Did you see anyone give Mr. Levi any money? A. No, sir; I did not see it.

Q. What was your partner's name? A. Leckoff.

Q. What is his first name? A. I don't know.

Q. Where is he now? A. I don't know where he is now; I guess he went to the old country.

Chairman Lexow.—How long ago?

By Mr. Jerome:

Q. How long ago? A. Two months after I closed my business.

Q. When did you close? A. I closed in May, and two months after he went away.

Q. Why did you close? A. Because I wanted to go to South Beach, but I did not go finally.

Q. Do you know where Mr. Levy's house was? A. Yes; in Stanton street.

Q. What number? A. Thirty-two.

Q. That was a disorderly house, was it? A. I don't know.

Q. Didn't you have some girls that came from there? A. Yes, sir.

Q. And they were prostitutes, weren't they? A. No; they were not bad girls; they were very decent.

Q. What were they doing with Mr. Levy? A. They were there, the servant girls.

Q. They were the servant girls in Mr. Levy's house? A. Yes.

Q. What kind of a house is it Mr. Levy has there? A. They had a cafe-house, as far as I know; I never have been there myself.

Q. Wasn't it commonly said and understood in that neighborhood that it was a house of prostitution? A. I heard of it; but when I asked the girls they denied it emphatically, and I can say that the girls were very decent in my house.

Q. Was not that the character of the houses, though, in that precinct, in the neighborhood? A. Yes, sir; I heard so.

Q. Now, what did your partner say to you in reference to money given to Levy?

Mr. Nicoll.—One moment. I object to that.

Mr. Jerome.—The object of this is exactly the same as that upon which the ruling of the committee was made yesterday when Whitney was called to interrupt the testimony of Maude Harvey, in order to give Mr. Levy an opportunity to have his attention called specifically to these facts, facts which we do not know, of course, never having spoken to the witness. The facts are not those from which her say so will lead the committee to draw inferences against Mr. Levy, but it will put counsel in the possession of facts when Mr. Levy seeks his vindication.

Chairman Lexow.—It is not offered as any proof against the witness at all.

Mr. Nicoll.—I do not want any hearsay evidence such as that.

Mr. Jerome.—That was the same ruling as that rendered yesterday.

Chairman Lexow.—I can not see any distinction between the two cases, and while I was reluctant to see the evidence of that kind go on the record and weaken the balance of the testimony, it has been made the ruling of the committee, and we have got to abide by it now, I suppose.

Mr. Nicoll.—Is it thoroughly understood that all hearsay is to be admitted?

Chairman Lexow.—No.

Mr. Nicoll.—That there is no limitation and objection is fruitless.

Chairman Lexow.—The ruling is simply that hearsay evidence of this character was to be taken to enable counsel hereafter to examine the person accused upon. Now, the counsel desires to have this testimony go upon the record for that purpose, I understand it.

Mr. Jerome.—That is it.

Mr. Nicoll.—I look upon it as the grossest hearsay.

Mr. Jerome.—Judge Ransom stated yesterday it was established in a celebrated case in Washington, alluding to the Breckinridge case.

Mr. Nicoll.—There is no precedent for any such evidence.

Chairman Lexow.—If the majority of the committee rules that for this purpose only the name of the person with whom the conversation has been had, without the substance of the conversation, may be given, and that for the purpose of enabling them to track up the evidence hereafter; so we substantially reverse to that extent the ruling of yesterday.

Mr. Jerome.—Will not the committee permit me to ask what amounts; that is a material thing, and the dates; I do not care for the bulk of this conversation with this person that has gone to Europe, but it is manifest I can not get this person from Europe, and it is an important thing when Mr. Levy takes the stand to be able to ask him specifically as to dates and amounts.

Chairman Lexow.—It looks to me as if you would get out the whole conversation, if you get that out, because those dates and amounts are substantially the foundation of the whole conversation.

Mr. Nicoll.—Of course, that is all there is to it.

Mr. Jerome.—If the committee says I can not go on, that is all. I should like the dates and amounts.

Chairman Lexow.—I think, Counselor, it weakens the strong testimony that you have here before the committee, to take any testimony of this kind. You can get the dates and amounts from the witness without her being under oath. She evidently is not so reluctant a witness, but you can ascertain that.

Mr. Jerome.—I will ascertain that in that way. You may inquire.

Mr. Nicoll.—No questions.

Bessie Butler, called as a witness on behalf of the State, being duly sworn, testified as follows: |

Direct examination by Mr. Moss:

/ By Chairman Lexow:

Q. You consider this a binding oath, binding your conscience?

A. Yes; to tell the truth.

Q. To tell the truth, the whole truth, and nothing but the truth? A. Yes, sir.

Chairman Lexow.—You understand any testimony you may give with reference to bribery or corruption is privileged, that you can not be prosecuted by any other tribunal or indicted for any such crime you may confess on the witness stand; that it is an absolute bar if you make a confession here, it is an absolute bar from any prosecution against you for that cause.

By Mr. Moss:

Q. Your name is Bessie Butler, isn't it? A. Yes.

Q. And your residence is known to the counsel of the committee, but you desire, for your own reasons, to keep that private between you and the counsel? A. Yes, sir.

Q. What is your husband's name? A. Edward Butler.

Q. Do you reside at 81 Eldridge street, or were you interested in a house there? A. I resided there some few years ago.

Q. How close was that to the police station of the Eleventh precinct? A. Well, I don't know; you know that.

Chairman Lexow.—Describe it. The committee do not know.

By Mr. Moss:

Q. Do you know the number of the police station? A. I really don't know.

Q. As far as you know? A. I can not just remember.

Q. Near what street was your house? A. Between Hester and Grand.

Q. And the police station was on the next block, wasn't it? A. Yes, sir.

Q. Just across what street? A. Grand street.

Q. Grand street separated the block you were on from the block on which the station-house was situated? A. Yes, sir.

Q. And the officers of the station-house passed your house very frequently, didn't they? A. Not that I know of.

Q. Going to and from the station, didn't you see them on the street? A. I never paid any attention.

Q. Was that house a house of ill fame? A. No, sir.

Q. What? A. Not when I had it.

Q. It was carried on as a house for lady boarders, wasn't it? A. No, sir.

Q. Do you know Grace Welch? A. Yes.

Q. Who was Grace Welch? A. That is the housekeeper.

Q. Your housekeeper? A. After I left.

Q. When did you leave? A. How?

Q. When did you leave? A. Two years ago.

Q. Will you be good enough to look at that card and see if you recognize it? A. I recognize it; it was one of the cards that belonged to the house.

Q. It reads B. Butler, 81 Eldridge street, N. Y., between Grand and Hester? A. Yes.

Q. That is your name, isn't it—"B. Butler?" A. Yes, sir.

Q. I take this card from the document signed, "A. E. Wilson, dated October 17, 1893," for certainty, and offer it in evidence. (Marked Exhibit "P," June 15, 1894.) Was not Grace Welch convicted of keeping that house as a disorderly house in November, 1892? A. You know that.

Q. Was it; it was so, wasn't it? A. Well, she was; yes.

Q. How many girls lived in the house? A. That I don't know.

Q. How many girls lived in the house while you were there? A. There wasn't any; I rented furnished rooms.

Q. What kind of people took your furnished rooms, ladies and gentlemen? A. Different ones.

Q. Different ones; ladies and gentlemen would come together? A. Certainly.

Q. And occupy the furnished rooms? A. They occupied by the week.

Q. Are you acquainted with Captain Devery? A. No, sir.

Q. Did Captain Devery ever come to your house? A. No, sir.

Q. If Captain Devery reports that he came to your house, do you mean to say that report is untrue? A. I do; yes.

Q. Do you know that your house was reputed to be a house of ill fame? A. Not when I was there.

Q. Well, after you left there? A. That I don't know.

Q. What date did you leave? A. What date?

Q. Yes. A. Well, I don't know as I can remember exactly the date.

Q. Give me about the date? A. In about September.

Q. September of last year? A. No, no; two years ago.

Q. September of that year? A. No, no; two years ago.

Q. How much was Miss Welsh fined for keeping that house as a housekeeper? A. That I don't know exactly.

Q. You don't know? A. No.

Q. Do you recall a conversation had with him yesterday? A. Oh, yes.

Q. Now, I ask you again how much was Miss Welsh fined?

A. You know that without asking me.

By Chairman Lexow:

Q. The committee do not know it; it is for the information of the Senate committee; Mr. Moss is getting at these facts that he don't testify to, but asks you to? A. Asks me to do it?

Q. Yes; he asks you now how much this woman was fined; how much was she fined? A. She was fined \$50.

By Mr. Moss:

Q. And did you not pay that fine? A. No, sir.

Q. Or give the money to Grace Welsh? A. No, sir.

Q. I ask you again, and recall the conversation you had yesterday? A. No, sir; I told you yesterday she paid her own fine.

Q. You did? A. Yes, sir.

Q. Did you not thank me yesterday for some kind offices that you thought I had performed in reducing that fine from \$250 to \$50? A. For her.

Q. Didn't you thank me yourself? A. I thanked you for her.

Q. Why did you thank me for her? A. Because she was unfortunate, and you was kind to her.

Q. Did you say yesterday I had saved you \$200? A. Certainly you saved me.

Q. Two hundred dollars? A. Yes—how much did you save me?

Q. That is what you said? A. That you saved me; you told me that I said that to you.

Q. You recall that Grace Welsh was prosecuted as the proprietor of the house, don't you? A. Well, you know that, don't you.

By Chairman Lexow:

Q. Is that not a fact, Mrs. Butler? A. She was fined; yes.

By Mr. Moss:

Q. And didn't it come out on the trial she was acting as housekeeper, and that you were the real proprietor? A. That I don't know.

Q. You don't know that at all? A. No, sir.

Q. Don't you recall that the court made some inquiry concerning the situation, that I, as the prosecuting attorney, stated it to the court that Miss Welsh was only housekeeper, and might have to pay some fine, and that might be some reason for not fining her as much as the other persons who were tried and convicted at the time; do you remember that? A. I do not remember that.

Q. And do you remember the judge had already written down \$250 on the papers, and on that statement changed it to \$50? A. No; I don't remember that.

Q. You remember we talked about it? A. You told me; that was all.

Q. You recall it, don't you? A. No.

Q. Didn't you say to me the other women whose houses were pulled and were fined \$250 were jealous of you, because you had got off with \$50? A. I told you that; yes.

Q. You told me that yesterday? A. Yes.

Q. And you said you thanked me for having saved you \$200? A. No, sir; I said I thanked you, yes, after you explained that to me.

Q. And I told you I thought I had saved Grace Welsh as being only housekeeper, from having to pay the same fine as the real madames did; that was the conversation, was it not? A. Yes.

Q. How long did you live in that house; give it as nearly as you can? A. I was there about five years.

Q. About five years; and went away in what month of last year? A. September.

Q. September of last year? A. Yes, sir.

Q. What caused you to go away? A. Because the neighborhood was not suitable for me any more.

Q. What was the trouble with the neighborhood? A. Well, it did not suit me; that is all.

Q. What was the trouble? A. Too many Israelites living around there; the houses were not as nice as formerly.

Q. Weren't there a number of houses of ill-fame in that neighborhood? A. No, sir; not that I know of.

Q. Don't you know one at 70 Eldridge street, across the way? A. I don't know.

Q. Kept by Mrs. Hortell? A. No, sir.

Q. Didn't you tell me Mrs. Hortell told me? A. No, sir; somebody else told you that.

Q. In your presence? A. In my presence.

Q. And you assented to it? A. I did not.

Q. Did you not speak about the peculiar circumstances that would enable Mrs. Hoertell to do business after she had been convicted? A. No, sir; I did not.

Q. How long after the conviction of Grace Welsh before she and you lived away from the house? A. I was away from the house right along.

Q. How long was it after this conviction that this Welsh left the house? A. That I don't know.

Q. Don't you know; think? A. No.

Q. Who had the lease of the house? A. Who had the lease?

Q. Yes. A. There is no lease attached to it any more.

Q. Who hired the house? A. I did.

Q. Who did you hire the house from? A. The landlord, of course.

Q. Who was the landlord? A. Sanders.

Q. What is his first name? A. I don't know his first name.

Q. You have paid Mr. Sanders a great deal of rent for that house, haven't you? A. I don't know any more than what he was entitled to.

Q. How much was the rent per year? A. I paid him \$130.

Q. One hundred and thirty dollars per month? A. Yes; a that was the rear house.

Q. There is a rear house? A. Yes.

Q. When did you stop paying Mr. Sanders rent? A. When?

Q. Yes? A. Some time ago.

Q. When? A. Well, I couldn't tell you exactly when.

Q. Tell me as nearly as you can? A. About six months or so.

Q. About six months ago you stopped paying him rent; where did you pay him rent? A. He called for it.

Q. He called himself? A. Yes.

Q. How long did you pay him rent; how many years ago? A. Well, I told you about five or six years I paid him rent.

Q. And in all that time, did you not know his first name? A. No, sir.

Q. Where is his office? A. He has got no office.

Q. Where did he live? A. Somewhere in Jersey.

Q. Whereabouts in Jersey? A. I couldn't tell you.

Q. Has he any office in New York? A. No, sir.

Q. Isn't the name of the owner Caroline Zander? A. I always dealt with the gentleman; I don't know; it may be his wife.

Q. Is the name spelt Z-a-n-d-e-r? A. I believe so; yes.

Q. Doesn't she live in Jersey City? A. Yes, sir.

Q. And you dealt with Carolina Zanders personally; isn't that the fact? A. That is so.

Q. Now, I ask you to recall; think carefully; did any detectives or Central Office men call at your house at any time after August, 1893? A. Not that I know of; I was not there.

Q. Did Mr. Glennon or Mr. Kiernan call there? A. No, sir.

Q. And you say Captain Devery did not call there? A. No, sir.

Q. And if Mr. Glennon and Mr. Kiernan and Captain Devery say they have called there, you persist in your statement that they have not? A. Yes.

Q. If Superintendent Byrnes says these gentlemen, or any of them, called at your house to investigate its character, do you still insist in saying they did not call? A. Not in my presence; I know they did not.

Q. You have no knowledge they came there at all? A. No.

Q. How frequently did you see Grace Welsh? A. Very seldom.

Q. During all that time that you had that house, Mrs. Butler, I understand you to say that you did not pay a single dollar or a single cent to any police officer for protection? A. I still say so.

Q. You still say that? A. Yes.

Q. You never were interfered with by any policemen, were you? A. No, sir.

Q. And to that extent, you had protection, did you not; you were not interfered with? A. I don't know what protection I had; no one interfered, because I kept myself away from anybody; I did not interfere with anybody.

Q. Why do you think you were not interfered with? A. Because I gave no one any cause.

Q. Were any of your girls ever arrested, or any girls from that house? A. No, sir.

Q. Never? A. No, sir; not to my knowledge.

Q. Do you remember stating to me yesterday why you thought you had protection? A. No, sir.

Q. Do you remember stating two reasons; do you remember a little conversation over in the corner of the court-room there, in which I asked you how you could account for having protection? A. I told you I could not account for it.

Q. Didn't you say something like this: I kept a quiet house; and then you mentioned some names; you mentioned another person's name, and then said, you thought that accounted for it all? A. I did not say that; you put that question to me.

Q. And did you say yes? A. Sir?

Q. Did you say yes? A. I did not say yes; I said I did not know.

Q. Did you assent to it? A. No, sir; I did not assent to it.

Q. Can you recall what I said to you? A. You can recall it, can't you?

Q. Can you state what it was I stated? A. I will let you state it.

Q. Do you remember? A. No, sir; I remember your making the proposition to me; yes.

Q. What was that proposition? A. I don't know; you say that yourself.

By Chairman Lexow:

Q. Do you remember the statement, Mrs. Butler? A. Not exactly; no, because he made a great many statements to me.

By Senator Bradley:

Q. State one of the statements he made to you? A. I don't remember.

By Mr. Moss:

Q. Didn't you say you kept a quiet house? A. I said that; yes.

Q. And did you say that your husband was the partner of Silver Dollar Smith? A. He was; yes, sir.

Q. Did you not give that as a reason why you did not have to pay any money? A. No, sir; I did not give that reason at all; you put that question to me, and I said it is not so.

Q. You say that positively, that you said it was not so? A. Yes, sir.

Q. Now, let us see; who is Silver Dollar Smith? A. He is alderman in the Third district.

Q. Is he now alderman? A. Yes, sir.

Q. He has been an Assemblyman, hasn't he? A. I suppose so.

By Senator Bradley:

Q. Do you know? A. Yes, sir; he has been an Assemblyman.

By Mr. Moss:

Q. Where does he do business? A. In the store.

Q. Where is the store? A. I guess you know as well as I do, Chairman Lexow.—Now answer, Mrs. Butler.

A. Sixty-four Essex street.

By Mr. Moss:

Q. And that is a liquor store, isn't it? A. Yes.

Q. With rooms upstairs, used for various purposes? A. Not that I know of.

Q. Doesn't Mr. Smith spend a great deal of time in the Essex Market Police Court? A. Not that I know of.

Q. You say that because you have not seen him there, I suppose? A. I don't know anything about where he spends his time, or where he don't.

Q. You have seen the man? A. Certainly, I have seen him.

Q. Wasn't your husband a partner of Silver Dollar Smith? A. He was.

Q. When did he cease to be a partner? A. About three years ago.

Q. As long as that? A. Yes.

Q. You say up to three years ago he was a partner with Silver Dollar Smith in that saloon? A. Yes.

Q. You know Silver Dollar Smith, do you not? A. Yes.

Q. You have met him frequently? A. I have; yes, sir.

Q. You have had many conversations with him, haven't you? A. Not so many.

Q. Did you ever talk to him about your house, 81 Eldridge street? A. No, sir.

Q. Did Mr. Smith ever receive any part of the proceeds of the house No. 81 Eldridge street? A. No, sir.

Q. You never paid him any? A. Or nobody else.

Q. You say Grace Welsh didn't? A. No, sir.

Q. But you were pretty good friends with him? A. With whom?

Q. With Silver Dollar Smith? A. We were friendly; why shouldn't we be; my husband was in business with him, and everybody else is friendly with him, not alone me.

Q. Of course, I understand that; I met him myself, talked with him, and shook hands with him; he is a large, strong, powerful man, isn't he? A. Well, you have seen him and know.

Q. And his friendship is very powerful in the Eleventh precinct, isn't it? A. I don't know nothing about that.

Q. He has a great many friends who are keepers of saloons, hasn't he? A. That I don't know.

Q. Has he a number of friends who are keepers of houses of ill fame? A. I don't know.

Q. Do you know whether he goes bonds for people that are arrested by the police? A. I don't know anything about that.

Q. How long ago did you see him last? A. I only seen him last night.

Q. Last night? A. Yes; right after I seen you.

Q. Where did you see him? A. Right in his place.

Q. That is, the saloon? A. I went and asked him for his advice, and he told me to come here and tell the truth.

Q. You went to 64 Essex street and asked Silver Dollar Smith for his advice? A. Yes, sir.

Q. And he told you to tell the truth? A. Yes.

Q. I saw you yesterday at your lawyer's office, didn't I? A. You did.

Q. And we had a conversation and came to a pretty good agreement, didn't we? A. Yes.

Q. There was no disagreement about it at all? A. No.

Q. And at my request you came over voluntarily, having previously been served a subpoena that had expired, you came and sat here? A. I came of my own free will, because I didn't receive that subpoena, the lady took it with her.

By Chairman Lexow:

Q. Did you ask Silver Dollar Smith whether you were to tell the truth here? A. No, sir; I told him how I was situated; and he says, you go there and you tell the truth.

Q. If what you have told here is the truth, what possible object would there be in asking him whether you should tell the truth or not? A. I did not ask him whether I should tell the truth; I asked him if I should appear, and he said if you come here you should tell the truth.

Q. Why should you want any advice if what you have told here to-day is the truth, why should you want any advice from anybody whether you should tell anybody? A. Certainly I should ask advice.

Q. You have not told anything here that you need to be afraid of, have you? A. I don't know anything to be afraid of.

Q. Why did you go and ask whether you should tell the truth or not? A. I did not ask whether I should tell the truth.

Q. Or ask advice? A. Advice I am entitled to ask.

By Senator Bradley:

Q. Mrs. Butler, did you read Mrs. Harvey's testimony yesterday; she came before the committee? A. I did not.

By Mr. Moss:

Q. After yesterday's conversation, there was a substantial agreement between you and me as to the facts which you would testify to is true, and we parted fairly friendly, didn't we? A. We did; yes.

Q. And after what you had told me I asked you to come here and testify? A. You did; yes, sir.

Q. And then relieved you yesterday afternoon and asked you to come and testify this morning; we have had no conversation together about your testimony since yesterday afternoon, have we? A. No.

Q. But you have talked to Silver Dollar Smith? A. Well, I didn't speak about anything, only asked —

Q. And yesterday you told me you did keep a house there, and that you desired to be protected and concealed now, because you were out of it? A. I have told you I have been there five years ago; I understand you; I didn't tell you I kept a house; I kept the house — certainly — but you didn't ask me what kind.

Q. In deference to your wishes, I have concealed your present residence; that is true, isn't it? A. Yes.

Q. Why did you want me to conceal your present residence? A. Because I did not want the public to know it; because I had folks at home; I did not want to be published.

Q. Was it on account of the business you were engaged in in Eldridge street? A. No, sir.

Q. Didn't you say you got out of that and was glad of it? A. I told you that.

Q. That is true, isn't it? A. When I was there; when I got out of the entire thing —

Senator O'Connor.—Do you mean to say she told you a different story than she told you to-day?

Mr. Moss.—I agree with her she did not pay a dollar. I believe she tells the truth when she says that.

Senator O'Connor.—She says — she admitted she kept a house, and won't admit she kept a house of ill fame. Do you think we are children?

Mr. Moss.—Of course not. I will drop that.

The Witness.—I do not know nothing.

By Mr. Moss:

Q. You say you have not paid a dollar to anyone for protection? A. No, sir.

Q. You saw Mr. Smith last night? A. I did; yes, sir.

Q. And have talked with him frequently? A. No.

Q. And he and your husband have been partners together in business? A. Yes, sir.

Q. And you are good friends at the present time? A. I don't see why I should be anyway else.

By Chairman Lexow:

Q. How many wardmen do you know in that district? A. Not any.

Q. Not one? A. No, sir.

Q. Do you know a wardman by the name of John Wade? A. No, sir.

Q. Did you ever hear of him? A. No, sir.

Q. How many years did you have a place on Eldridge street?

A. I was there about five years myself.

Q. Not longer? A. No, sir.

Q. Didn't you know a wardman in 1881 by the name of John Wade? A. No, sir.

Q. Are you positive about that? A. Yes; I am positive.

Q. And you don't know the name of any wardman? A. No; none at all.

Q. And never met one? A. No, sir.

Mr. Moss.—That is all the questions I want to ask.

Chairman Lexow.—Any questions on the cross?

Mr. Nicoll.—No.

Chairman Lexow.—That is all. The next witness.

Mr. Moss.—I want to read in evidence right here, from original reports brought down from police headquarters. I read now from a report dated New York, April 1, 1892, "Precinct No. 1," addressed to Thomas Burns, Esq., acting superintendent of police: "Sir.—In compliance with rule 64, I respectfully submit the following report for the month ending March, 1892, William W. McLaughlin, Captain, Eleventh precinct." At the bottom of the first page is this entry: "Reputed house of prostitution, 81 Eldridge street; proprietor, Betsey Butler; owner or agent, Henry W. Sanders." "Report of July 1, 1892, signed by Adam A. Cross, captain Fourteenth precinct," "Reputed house of prostitution, 81 Eldridge street; proprietor, Betsey Butler; owner or agent, Caroline Sanders;" October 1, 1892, by the same captain to the same effect.

Senator O'Connor.—What is the report?

Mr. Moss.—A reputed house of ill fame.

Chairman Lexow.—Reported that it was a reputed house of ill fame?

Mr. Moss.—Yes; these captains so reported.

Chairman Lexow.—Your next witness, Mr. Moss.

Joseph Pospissil, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Chairman Lexow:

Q. Do you speak English? A. Yes.

Direct examination by Mr. Goff:

Q. Mr. Pospissil, what is your business? A. Saloon-keeper.

Q. Where do you keep your saloon? A. No. 1370 Avenue A.

Q. In this city? A. Yes, sir.

Q. What nationality are you? A. Bohemian.

Q. By birth? A. Bohemian.

Q. How long have you been in this country? A. About 23 or 24 years — 23 years.

Senator Bradley.— You will have to keep your voice up, Mr. Pospissil. Speak so Mr. Nicoll can hear you A. All right, sir.

By Mr. Goff:

Q. How long have you been in the saloon business? A. Fourteen years.

Q. How long have you kept the saloon at the present place while you were keeping that saloon? A. About four months.

Q. About how long have you kept the saloon in the Twentieth Assembly district of this city? A. About eight years; seven or eight years; seven years.

Q. Your present place is in the Twentieth Assembly district; is it not? A. Yes, sir; Twentieth and Twenty-second.

Q. You have got only one place, have you? A. Yes.

Q. And that is in the Twentieth Assembly district? A. Yes; that is correct.

Q. The Twenty-second is above? A. That is right; I am in the Twenty-second.

Q. What street are you? A. Corner of Seventy-third street and Avenue A; it divides right in the center.

Q. The north side of the street divides? A. Yes.

Q. That is right; you are in the Twenty-second; do you belong to any Bohemian organization? A. I do.

Q. Do you belong to any organization of saloon-keepers? A. I do.

Q. What is it called? A. Called the Bohemian Liquor Dealers Association.

Q. And is it called the Bohemian Liquor Dealers Association of any particular Assembly district? A. Of the Twenty-second and Twentieth Assembly districts.

Q. And that district of the city runs from about Seventieth street up to about Eightieth street on the east side, where most of the members live? A. It runs, I believe, from Fifty-ninth to Seventy-ninth.

Q. And mostly east of Second avenue, between Second avenue and the Eastern boulevard; isn't that so? A. Yes; that is right.

Q. And it is in that region that most of the Bohemians live?
A. That is right.

Q. There are quite a number of Bohemians live in that district?
A. Most all of them.

Q. Most all Bohemians; there are a number of saloon-keepers that belong to this liquor dealers association? A. That is right.
Senator Bradley.—Say yes or no.

Q. When was it organized? A. I believe it was organized in 1889; I can not exactly say—1888 or 1889.

Q. Were you its first president? A. Yes, sir.

Q. Now, I hand you the New York Listy, Bohemian paper; isn't it? A. Yes; I can read it.

Q. You can read it; can't you? A. Yes, sir.

Q. What is the date there in 1891? A. That is on Monday.

Q. What month? A. It is in September; the fifth.

Q. The 5th of September, isn't it, 1891? A. Yes.

Q. Now, this is a paper published in the Bohemian language?
A. Yes, sir; that is all right.

Q. And I call your attention to and advertisement in this paper which I have marked in blue pencil, and ask you if that is not the advertisement of the Bohemian Saloon-keepers Association of the Twentieth and Twenty-second Assembly districts?
A. Yes, sir.

Q. And the names of the officers? A. That is right.

Q. Were you an officer at the time that advertisement appeared? A. I was in Europe.

Q. You had been president and your term expired? A. Yes, sir.

Q. And you went to your native country on business? A. Yes, sir.

Q. Secora was president, wasn't he, while you were away?
A. Yes, sir.

Q. Who organized that society? A. All of our men; all of our saloon-keepers.

Q. You was the principal man that organized it, weren't you?
A. Yes, sir.

Q. You found it necessary for the Bohemian saloon-keepers to get together? A. Exactly.

Q. For mutual protection? A. Yes.

Q. Before your society was organized, the Bohemian saloon-keepers had a good deal of trouble, hadn't they about the excise law? A. Not as I know.

Q. Had they any trouble? A. I don't know.

Q. What? A. I don't know anything about it.

Q. What was the society organized for? A. The society organized to assist; one other should assist themselves.

Q. Assist them how? A. Assist them financially; providing for him if he needs it; if he needs the lawyer, or gets in some trouble, or so; each one will help him out of it.

Q. That is in connection with the excise law, isn't it? A. Just the way you take it; yes.

By Chairman Lexow:

Q. It is, isn't it? A. Yes.

By Mr. Goff:

Q. That is the only object the society had when it was organized? A. That is right.

Q. That was, to subscribe money, so much a week, to go into the treasury, and to have funds to help a saloon-keeper if he got into trouble with the police; isn't that so? A. Yes; that is right.

Q. To bail him out? A. That is right.

Q. And pay for a lawyer? A. That is right.

Q. And pay his fine? A. Yes; the majority of it.

Q. And you went around and got members to join that society; didn't you? A. Yes.

Q. Who organized it? A. Oh, they have it general.

Q. Wasn't there some one who organized it? A. No, sir; organized what; we hold meetings every week.

Q. Before you commenced to hold your meeting? A. They all came together at once.

Q. Who invited you all to come around at once? A. There was about seven or eight of them.

Q. Name any one of the seven or eight? A. I can mention you half a dozen.

Q. Wasn't you one? A. Yes; I was the president.

Q. So that you were instrumental in getting your fellow-countrymen to come together and form a society? A. Exactly.

Q. And you were elected the first president? A. Yes, sir.

Q. Who was the treasurer, Neuxset; was he the first treasurer? A. No; Mr. Wappolack.

Q. Who was the first recording secretary? A. The first recording secretary, I can not recollect now any more.

Q. You can not recollect the first recording secretary? A. No, sir.

Q. How long were you elected president for? A. From one year to another.

Q. How many times were you elected president? A. Elected now four or five times.

Q. Who else have been president of that society but yourself? A. Mr. Sykora.

Q. He is the only one that has been president? A. Mr. Fealo.

Q. Those are all that have been presidents of the society since its existence? A. Yes, sir.

Q. What have you done with the money collected? A. What is that?

Q. What have you done with the money collected? A. Paid for the lawyer, paid for the printing, and for different kind of expenses.

Q. Any other kind of expenses? A. I don't know.

Q. Don't shake your head; keep your head still or it will fall off your shoulders; have you got that circular you sent out Saturday night? A. No, sir.

Q. Have you got it with you? A. No, sir.

Q. Why didn't you bring it? A. I didn't call for it.

Q. Look at your subpoena? A. (Witness examines subpoena) I did not understand it there; I did not bring it along with me.

Q. "Also the circular issued and circulated on last Saturday evening to the Bohemian saloon-keepers to close, or to be watchful on Sunday;" where is that circular? A. I have not got it with me; I can bring it to you if you want it.

Q. Didn't you read the subpoena? A. I can tell you.

Mr. Nicoll.—Let him tell the contents.

Mr. Goff.—No; he can not tell the contents.

Q. Didn't you read the subpoena? A. I did.

Q. Didn't you read that that circular was wanted here by this committee? A. I didn't understand it.

Q. Don't you understand English; you have been here 23 or 24 years? A. It came so sudden to me.

Q. It came so sudden; I know it did; but when you read—you know what a circular is, don't you? A. Yes.

Q. When you read on the subpoena to produce this circular, why didn't you bring it here? A. I did not understand you wanted that circular.

Q. You brought your book with you? A. That is what I understand.

Q. When you brought your book, you knew the committee wanted your book, didn't you? A. Yes.

Q. Didn't you know they wanted the circular also? A. I didn't understand it.

Q. You did understand it for the book, but not for the circular? A. No.

Q. You have the circular at home? A. I have.

Q. You go up at recess and bring that circular down to the committee; do you understand? A. Yes, sir.

Q. Who wrote that circular? A. I did.

Q. Was it all in your writing? A. Yes, sir.

Q. And you sent it around to the saloon-keepers on Saturday night? A. Yes, sir.

Q. Do you recollect I was in that neighborhood on Saturday night? A. I can not tell; I don't know.

Q. Did anyone tell you? A. No, sir.

Mr. Nicoll. What Saturday night?

Senator O'Connor.—Last Saturday.

Q. What made you send around the circular on Saturday night? A. Because I read in the papers.

Q. What did you read in the papers? A. I read in the papers it was going to be very strict.

Q. What paper did you read it in? A. In the Bohemian paper on Saturday.

Q. What Bohemian paper? A. Just as you have got over there.

Q. Give me the name of it—New York Listy? A. That is the paper I read it in.

Q. What day? A. Saturday morning.

Q. What did you read in that paper Saturday morning? A. I read it was going to be very strict.

Q. Give the committee the words? A. It is going to be very strict on Sunday.

Q. What is going to be very strict? A. Strict excise law; on account of that I sent about everybody should close up.

Q. Was that all that was stated in the paper; is that all that was stated in that paper, that the excise law was going to be very strict? A. Yes, sir.

Q. That is all? A. That is all.

Q. And after you read it in the paper on Saturday morning, you sent out this circular? A. That is right.

By Chairman Lexow:

Q. Then all that is necessary for you to know in order to close up all your saloons is that the excise law is going to be strictly enforced; is that all? A. Sir?

Q. Is that all? A. I don't understand.

Q. All that is necessary for you to know is that the excise law is going to be strictly enforced to make you close up? A. As long as we find it out by reading the paper, of course we close up.

Q. As soon as you find out that any effort is going to be made to enforce the excise law you close up? A. We close up; that is right.

Q. Now, Mr. Pospissil, after you read this notice in the New York Listy on Saturday morning, did you talk with any one about it? A. No, sir.

Q. You are a friend of the editor, Mr. Wertersheck? A. I am, sir.

Q. Did you talk with him about it? A. No, sir.

Q. Did you know what was going to be in the paper? A. No, sir.

Q. You did not leave this circular with each saloon-keeper, did you? A. What is that?

Q. You did not leave this circular with each saloon-keeper, did you? A. No; not me.

Q. You merely showed the circular to each saloon-keeper, is that it? A. That is right.

Q. You did not leave it? A. No, sir.

Q. Why didn't you leave it? A. I had only one bill, just the one paper, to go around and show it to them.

Q. That is in your handwriting? A. That was in my handwriting; yes, sir.

Q. And you told the saloon-keepers to keep the door on the chain the next day? A. To close it the next day.

Q. You did not say close up the next day? A. Well, be very careful.

Q. You have got to produce that writing here, so don't state anything the writing does not state? A. That is correct.

Q. You told them to keep the doors on the chain, didn't you? A. Yes, sir.

Q. You did not tell them to stop selling, did you? A. I told them to look out.

Q. Did you tell the saloon-keeper to stop selling liquor or beer on Sundays? A. I told them to look out for themselves.

Q. Did you tell them to stop selling liquor or beer on Sundays? A. No.

Mr. Goff.—If you will please answer my questions it would save you —

Chairman Lexow.— He said no.

Mr. Goff.— After two or three questions.

Senator Cantor.— Why wasn't that circular good information to the police that they were in that kind of business; violating the excise law constantly?

Chairman Lexow.— Mr. Goff will find the circular, but the police could not.

By Mr. Goff:

Q. Now, you kept your saloon open on Sunday? A. No, sir.

Q. You kept the door on the chain? A. I closed on Sunday.

Q. Didn't you keep your door on the chain? A. I did; yes, sir.

Q. And you sold to all who went into your saloon? A. Just my friends I took in.

Q. Didn't you sell to all? A. Yes, sir.

Q. That is right; let us have the truth; and you did in your saloon what you advised all the members of your saloon-keepers' association to do? A. What is that?

Q. You did yourself in your saloon what you advised all the other saloon-keepers to do on last Sunday? A. Yes, sir.

Q. You were not interfered with by the police last Sunday? A. I was.

By Chairman Lexow:

Q. You were interfered with? A. Yes, sir.

Q. Last Sunday? A. Yes.

Q. Were you arrested? A. No, sir; I did not meet nobody in the saloon.

By Mr. Goff:

Q. Were you interfered with by the police on last Sunday? A. Yes, sir.

Q. Were you arrested? A. No, sir.

Q. What inference, then, was there? A. Well, I did not leave anybody in; I had my place closed.

Q. Did the police go near you? A. Yes, sir.

Q. Last Sunday? A. Yes, sir.

Q. What policeman went near you? A. I don't know his name.

Q. What was his number? A. I did not think of it.

Q. Did he go into your saloon? A. I had my place closed; he could not come in.

Q. Did he go into your saloon? A. No, sir.

Q. Where did you see him? A. Seen him outside.

Q. How did you come to see him outside? A. I seen him outside in the hallway.

Q. He came into the hallway alongside of your saloon? A. Yes.

Q. Knocked at the door? A. Yes.

Q. You expected him, didn't you? A. No, sir.

Q. You knew a policeman would come around? A. No, sir; I didn't expect anybody.

Q. Don't shake your head? A. That is my habit.

Q. Then break your habit now; just answer yes or no; so the stenographer can take down your answer; did you expect the police officer to come around? A. No, sir.

Q. You went out to see him in the hallway? A. I did not; I closed the door, and I left him out there in the hallway.

Q. Where did you talk with him? A. I did not talk with him at all.

Q. Did he talk with you? A. No, sir.

Q. What made him say he came to tell you to keep closed?
A. He did not tell me that.

Q. Who told you that? A. Nobody.

Q. What brought the policeman in the hallway? A. I don't know.

Q. How do you know he was there? A. Well, I see that is an officer, and I would not leave him in.

Q. What is that? A. Well, I see that it's an officer, and I would not leave him in.

Q. You saw it was an officer and you would not let him in?
A. No, sir.

Q. Did he knock to get in? A. No.

Q. How do you know he wanted to get in; now, you are under oath, sir, and this is not a trifling matter? A. I do not understand you; what do you say?

Q. If he did not knock to get in, how did you know he wanted to get in? A. He did knock, and the door was closed, and just the chain on, and he went away.

Q. He was in full uniform, and he knocked at the door, and you opened the door? A. I did not open it; he opened it himself, the chain is on the door.

Q. The door opened to the end of the chain? A. That is right.

Q. And you went to the door to take the chain off, did you?
A. No, sir.

Q. Did you go to see who was there? A. I went to see who was there; yes, sir.

Q. You saw an officer in uniform? A. Yes, sir.

Q. And when you saw the officer in uniform? A. I closed the door.

Q. Did you say anything to him? A. No, sir; I closed the door.

Q. You closed the door? A. Yes, sir.

Q. He never asked to get in? A. No, sir.

Q. Nor did he ask for a drink? A. No, sir.

Q. Sure? A. Sure.

Q. Sure; that is remarkable; did you ever see that officer before? A. No, sir.

Q. Were there any arrests made among the Bohemian saloon keepers for violating the excise law last Sunday? A. I don't know.

Q. You are president of that association? A. Yes, sir.

Q. It is your business to know? A. I don't know of anyone arrested Sunday.

Q. Isn't it a part of the duty of the president to look after the members that may be arrested? A. Yes, sir.

Q. That is his duty? A. Yes.

Q. You didn't hear of any arrests being made last Sunday?
A. No, sir.

Q. You have been in the habit of sending around notices such as you sent last Saturday? A. What is that?

Q. Have you sent around other notices on other Saturdays?
A. No, sir.

Q. Last Saturday was the first time you sent the notice around? A. And a couple of more times already.

Q. How long ago? A. A couple of years ago already I used to send notices out.

Q. Didn't you send notices out when you got notices from the police to close up; now, look at me; don't look down? A. Yes, sir.

Q. Did policemen give you notice to close up on Saturday?
Mr. Nicoll.—What Saturday?

Mr. Goff.—Any Saturday.

The Witness.—I can not tell the name, because I don't know.

Q. Was it the wardman or the regular patrolman? A. No; the regular patrolman told me.

By Chairman Lexow:

Q. Last Saturday? A. Last Saturday; yes; to keep closed.

Q. Was that in addition to your reading it in the Bohemian paper, the police officer went around on Saturday to you? A. What is that?

Q. Did a police officer go around on Saturday to you? A. Yes, sir.

Q. Last Saturday? A. Yes.

Q. What did you say? A. We told him to look out for next day.

Q. Told you to look out for next day?

Senator O'Connor.—Who did that; a policeman?

Mr. Goff.—Yes; certainly.

By Mr. Goff:

Q. So, when you said a little while ago you sent out the notice because you saw it in the Bohemian paper you did not state the whole truth, did you? A. Yes, sir.

Q. Well, but wasn't it on account of the policeman coming to the saloon on Saturday? A. I read it in the papers.

Q. It was on account of the policeman coming he sent the circular around, wasn't it not?

By Chairman Lexow:

Q. That was the reason? A. Sure; that was so.

Q. You thought that came from headquarters when the policeman did that? A. That is right.

Q. You thought it meant business for next day? A. That is right.

By Mr. Goff:

Q. The policeman who told you knew you were president of the saloon-keepers' association, did he not? A. No, sir; he told it direct to me, to keep closed the next day.

Q. Didn't he tell you to tell all the other members to keep closed? A. No, sir.

Q. What did you send around the notice for? A. Because he told it to me; and I sent notice to my friends.

Q. You did that because it was given to you as president of this association? A. That is right.

By Senator O'Connor:

Q. Do you know of a policeman informing any other persons there?

By Mr. Goff:

Q. I was going to ask that; do you know whether the policeman went to any other member of the saloon-keepers' association? A. No, sir.

Q. You didn't hear anything about that? A. No, sir.

Q. Who did you send around with this notice? A. I sent my friend around, a man that is in my house.

Q. What is his name? A. Mr. Harburder.

Q. Is he in business with you? A. No; he is in the cigar business.

By Chairman Lexow:

Q. Did the policeman know you were president of this association? A. I don't know, sir.

Q. It is Harburder? A. Harburder; that is right.

Q. How many members belong to your association? A. I can't exactly tell; I guess about 35 or 36.

Q. How many members belong to your association? A. I say about 35 or 36; somewhere around there; I can not say exactly.

Q. Are there any saloon-keepers—are there any Bohemian saloon-keepers up there who do not belong to the association? A. Yes, sir.

Q. You did not send them around notices, did you? A. I sent every one.

Q. Did you send notices to any saloon-keeper that was not a member of your association? A. I sent all around.

Q. Did you send notice to any Bohemian saloon-keeper that was not a member of the Bohemian Saloon-keepers Association? A. Yes, sir.

Q. Give me the name of one? A. Well, I have to look on the slip.

Q. Well, look at the slip? A. Mr. Vopelák was the first one.

Q. Isn't he a member? A. No, sir.

Q. But he was? A. He used to be.

Q. He was president of this association? A. No, sir.

Q. He was an officer of the association? A. He was an officer of the association.

Q. Give me another outside of Mr. Vopelak? A. I can not tell now.

Q. Have you thought of another name? A. I don't.

Q. Don't you think that you did not send a notice to any man that was not a member of the association; isn't that a fact? A. I sent a whole lot around; I don't know where the man went.

Q. Don't you know that Mr. Harberder did go to the members of the association? A. He went all around.

Q. You gave him a slip of names; didn't you? A. Yes, sir.

Q. With the number of names he should go to? A. He went all over.

Q. Answer me; you gave him a paper with the names of the saloons to which he should go with the notice? A. Yes, sir.

Q. And didn't you take the names that you put on that paper from the membership-roll of the association? A. Yes, sir.

Q. Oh, you only put down the names on the slip of paper that you found on the membership-roll? A. No; there is some strange names over there.

Q. Give me a name outside the membership-roll? A. I can not tell you now.

Q. Have you got that slip? A. I have it home.

Q. You will bring it down at recess? A. Yes, sir.

Q. With the circular? A. Yes, sir.

Q. Why did you hesitate to give us Mr. Harberder's name? A. What is that?

Q. Why did you hesitate, or did you refuse at first to give us his name? A. I did not refuse.

Q. You hesitated; you understand the word hesitate? A. Yes.

Q. You hesitated; why did you hesitate? A. Because I did not want to pronounce the name; I told you I did not know the name; that is about all.

Q. Let us get his full name; give me his first name? A. Nicholas Herberder.

Q. Well, we will get at it; you write his name and address on

that paper? A. His address I can not write, but will give you the name and send the address from my place.

Q. Well, you said that he lived in your house? A. No; he is not living in my house; I said he send it to me, because I do not know his direction.

Q. Does he work for you? A. No, sir.

Q. How is it you sent this man around; he did not work for you? A. He is in my saloon every day.

Q. He frequents your saloon every day; do you know what his business is? A. Yes; cigarmaker.

Q. And if we send to your residence we can get him? A. Yes.

Q. Now, the first term of your office as president you had a secretary, Joseph Vopelak? A. Yes.

Q. And you had a treasurer, Peter Stastny? A. Yes.

Q. I hand you a book, produced here by your recording secretary, by Sudeck, who is your present recording secretary? A. Yes, sir.

Q. Now, I hand you this book, and ask you to state when that book was first written, the first date; look at the first page there; the book is written in the Szeck language, is it not? A. That is right.

Q. Now tell us the date? A. That is in February 18th.

Q. What year? A. It don't say here; it just says—

Q. Whose handwriting is that? A. I can't tell; there is Mr. Vopelak's here; there is no year in that; the date is on there, but no year.

Q. When the officers of that association have changed the books have always been left in the possession of the association, haven't they? A. What is that?

Q. When the officers of that association have changed the books have always been left in the possession of the association, haven't they? A. Yes, sir.

Q. Can you state if this is the recording secretary's book for that association from the time it was organized up to the present date? A. No, sir; I can not say that.

Q. Where are the other books? A. I don't know.

Q. Who keeps the books? A. Well, the secretary generally keeps it, and the treasurer; that is, the secretary mostly.

Q. The recording secretary? A. Yes; everybody keeps his own books.

Q. Isn't it your duty to see the books belonging to the association are always kept by the association? A. Yes, sir.

Q. Can you answer, now, whether or no that is the book of minute of the recording secretary of that association from 1891 up to date? A. I can not.

Q. You can not? A. No, sir; that is not the proper book.

Q. That is not the proper book? A. That is not a book—there must be another book beside it; I don't know where the book is, though, but I asked of a party on First avenue who used to be secretary of the association, and I asked him for the book and can not get it.

Q. Who is that certain party? A. That is Mirofsky.

Q. Have you seen Mirofsky? A. No; he is not here.

Q. Now, Mr. Pospisil, you are connected with politics, are you not? A. No, sir.

Q. What? A. No, sir.

Q. As president of the Saloon-keepers' Association you have a good deal to do with the politicians, haven't you? A. No, sir.

Q. About the excise law? A. No, sir.

Q. Nothing at all? A. No, sir.

Q. Do you know the man that is called the leader of your district? A. I do.

Q. What is his name? A. Morris Featherstone.

Q. That is of the Twenty-second? A. Yes, sir.

Q. Do you know the leader of the Twentieth Assembly district? A. Yes; his name is Mr. Tom Dunn.

Q. Have you not dealing with either of those gentlemen about the Sunday law? A. No, sir.

Q. Never went to them? A. No.

Q. To get men out of the station-house? A. No, sir.

Q. Haven't you dealing with the police, Mr. Pospisil? A. I have not.

Q. None whatever? A. No, sir.

Q. Do you know of any money ever having been paid to the police? A. Not in my presence.

Q. Do you know, sir, of any money ever having been paid to the police by your association? A. Yes, sir; a couple of years ago, though.

Q. Now, wait awhile; was it not the object of your organization that you could deal with the police as an organization; was not that one of the objects of your association? A. I don't understand what you mean.

Q. Was it not one of the objects of the Bohemian Saloon-keepers Association to deal with the police as an association?

By Chairman Lexow:

Q. Directly? A. Well, it was really.

By Mr. Goff:

Q. Yes? A. Yes.

Q. And before the association was organized the saloon-keepers

were annoyed a good deal by the police individually, weren't they? A. Yes, sir.

Q. Now, that is right, Mr. Pospisil; let us have the truth; and the purpose of the association was that they could band themselves together and pay the police as an association; wasn't that it? A. No.

Q. Don't shake your head.

By Chairman Lexow:

Q. Isn't that the fact; that as an association, instead of individuals contriving with this, that or the other policemen, the association as a whole could gather the fund together, collect it, and pay it over to the police? A. I can't tell that.

Q. Is that a fact or not? A. I don't know anything about this.

Q. Did you do it?

By Mr. Goff:

Q. You were president; you knew everything? A. I don't know everything.

Q. You knew what the moneys were collected for, did you not? A. Yes.

Q. Now, answer right out, so the stenographer can hear you; you knew that the members of the association paid in so much every week? A. Yes.

Q. How much a week? A. Seventy-five and 50.

Q. Seventy-five and 50 cents? A. Yes.

Q. Each? A. Yes.

Q. Who paid the 75 cents a week? A. Well, it was uncertain; sometimes 75 and sometimes 50.

Q. Sometimes 75 and sometimes 50.

By Chairman Lexow:

Q. Do you mean your rate of assessments was 75 or 50 cents on the members according as you had to pay? A. Yes.

By Senator Cantor:

Q. And all the members paid alike? A. Yes.

Senator O'Connor.—Paid it how?

Chairman Lexow.—To the treasurer of the association.

By Mr. Goff:

Q. When this money was paid into the treasury of the associa-

tion the treasurer paid out money on order of the association?

A. That is right.

Q. After a resolution was passed? A. Yes.

Q. Wasn't it? A. Yes.

Q. Did the association keep a bank account? A. No, sir.

Q. And whatever money was paid out was paid out in bills?
A. Yes, sir.

Q. For any purpose? A. Yes, sir.

Q. Now, every month did not the treasurer of the association pay so much money to the police of that precinct?

Mr. Nicoll.—Objected to, that he stated he never saw it paid in his presence; and if the treasurer did pay it, call the treasurer at once; this witness can not prove it.

Chairman Lexow.—This witness, as president of that association, is chargeable with the knowledge of the disposition of the funds; I think it is perfectly proper he should answer as to the society as to the method of procedure. It would not be the ascertainment of the fact of payment, but the system of the organization on which it was based.

The Witness.—I am speaking of about four or five year ago.

By Mr. Goff:

Q. When the money was paid into the treasury the treasurer was ordered to pay by resolution of the association; was he not?
A. Yes, sir.

Q. And you were in the chair as the president of the association? A. Yes, sir.

Q. And put the question? A. Yes, sir.

Q. Now, were there ever any resolutions passed in the association directing the treasurer or any other person representing your society to pay money to the wardman in that precinct?
A. Yes, sir.

Q. Now, who was the captain of that precinct at that time—the first captain? A. Captain Gunner.

Q. And what was his wardman's name? A. Campbell.

Mr. Goff.—Is Campbell in court? Ex-Wardman Campbell?
(No response.)

Q. Morris Campbell, was it not? A. Yes, sir.

Q. What was the name of the other wardman? A. I don't know of any other wardman.

Q. All the business was done with Morris Campbell? A. That is all.

Q. Did you do the business with Morris Campbell? A. No, sir—that is, I did—

Q. Let us have the truth; this association will benefit you saloon-keepers if you tell the truth.

Chairman Lexow.—The fact is, the only way in which this kind of blackmail can be stopped is by coming before the committee and telling the truth so we can legislate so as to stop it.

Q. We are not here to harm you at all, or do you any injury, and you are protected from any testimony from prosecution? A. I can not tell more than I do know.

Q. The law protects from prosecution for any testimony you may give before this committee on that point; do you understand? A. Yes, sir.

Q. Now, let us have the truth; when did you first do business with Campbell? A. As soon as the organization started.

Q. As soon as the organization started? A. Yes.

Chairman Lexow.—Just get out whether Campbell suggested the making of the organization.

Q. Yes, in a moment; you were a little afraid this morning to give your testimony, wasn't you? A. Not a bit.

Q. Weren't you afraid the police would trouble you after you gave your testimony? A. No, sir.

Q. Well, you are not afraid now, are you? A. No, sir.

Q. That is right, and you are prepared to tell the whole truth, aren't you? A. Yes.

Q. Now, didn't Campbell suggest to you—tell you it would be a good thing to have all the Bohemian saloon-keepers in one organization? A. No; he never told me.

Q. Did any other wardman or police officer tell you? A. No, sir.

Q. That it would be a good thing for all the men to get into the organization? A. No, sir.

Q. After the organization was formed you said you had a talk with Campbell? A. Yes, sir.

Q. What was the talk; just tell us the whole thing—what he said, and what you said? A. Well, he was bothered by the liquor-dealers' association, and we thought it would be proper for us to talk with the wardman to be with us.

Q. Where did you see him? A. I met him outside on the street.

Q. Near the station-house? A. No, sir.

Q. You met him in the street? A. Yes, sir.

Q. You knew him? A. Yes, sir.

Q. Who were you with? A. A party of the name of Mr. Politzer.

Q. Is he here in court? A. I guess, Senator, he was a little while ago.

Q. Is Mr. Politzer in court? A. Not here.

Q. Well, he was a member of the association, wasn't he? A. Yes, sir.

Q. And the association passed a resolution authorizing you, on behalf of the association, to see the wardman, didn't it? A. Yes.

Q. And didn't it authorize you to ascertain from the wardman how much it would cost for the association to keep open on Sundays? A. Yes.

Q. That is it; well, you asked the wardman how much it would cost, didn't you? A. Yes, sir.

Q. To get protection; and what did he say? A. He would not give me no sufficient answer.

Q. What? A. He would not give me no sufficient answer.

Q. What did he say? A. I should meet him up in his house.

Q. You should meet him in his house? A. Yes, sir.

Q. Did you meet him in his house? A. I did.

Q. That night? A. No; the next day.

Q. Was any one with you? A. No.

Q. He told you to go alone? A. Yes, sir.

Q. And when you went to his house what took place between yourself and Morris Campbell? A. Well, he—

Q. Just give his conversation? A. He called for about \$125 a month.

Q. He wanted how much? A. One hundred and twenty five dollars a month.

Q. For the whole association? A. Yes, sir.

Q. Well, did he ask you how many members belonged to your association? A. Yes.

Q. And you told him? A. I did.

Mr. Nicoll.—Won't you find out what year this was?

Q. I will; was this in 1891, when you first organized? A. I can't exactly tell what year it was.

Q. It was shortly after your organization, wasn't it? A. Yes.

Mr. Goff.—It was in 1891, as near as we can get at it!

By Chairman Lexow:

Q. How soon after you organized—the next day? A. A couple of weeks after.

Q. Was this the first official act that was done by the association after its organization? A. What is that?

Q. Was this the first official act that you did by resolution after the association was organized? A. Yes, sir.

Q. That was the first business the association transacted?

Mr. Nicoll.—I understood it was four or five years ago?

The Witness.—That is about six years ago.

By Mr. Nicoll:

Q. That is very important; Mr. Goff said 1891, and you say six years? A. About five or six years ago; I can not get exactly what year.

Q. Was it over five? A. Yes; it is over four; I am sure of that.

Chairman Lexow.—You will have an opportunity to get that out, Mr. Nicoll.

By Mr. Goff:

Q. It was shortly after the association organized? A. Yes, sir.

Q. Within a few weeks? A. Yes.

Q. And it was the first official business that was transacted?

Mr. Nicoll.—He did not say that.

Mr. Goff.—Yes; he did. The record is here.

Q. Didn't you tell Campbell the Bohemians were very poor?

A. Yes, sir; I did.

Q. And you could not afford to pay \$125 a month? A. Yes.

Q. And that you had only just commenced as an association?

A. I did; yes, sir.

Q. You told him that, didn't you? A. Yes.

Q. And told him the association could not afford it? A. That is right.

Q. And you wanted him to take less? A. Yes.

Q. How much less did you want him to take? A. I offered him a \$100.

Q. What did he say when you offered him a \$100? A. He said, if it can't be helped, he would accept it.

By Chairman Lexow:

Q. That is to say, if you could not get more; is that it? A. That is right.

By Mr. Goff:

Q. Did you give him a \$100 then? A. I didn't never give him any money.

Q. You agreed to give him a \$100? A. Yes, sir.

Q. Did you agree with him who should hand the money? A. Yes, sir.

Q. Who should hand the money to him? A. It was the secretary.

Q. What was his name? A. He called along with me and he generally handed him the envelope.

By Chairman Lexow:

Q. And you knew that a \$100 was in that envelope? A. I don't know; the secretary is the man that generally put the money in there.

Q. Did the secretary tell you he had the \$100 in there? A. Yes, sir.

Q. And made his report accordingly? A. Yes.

Q. And you saw this envelope passed to the wardman? A. Yes, sir; not to me.

By Senator Bradley:

Q. Did you see the \$100 go into the envelope? A. I see the envelope.

Q. Did the secretary have to get the money from the treasurer? A. Yes.

Q. And you saw the transaction between them? A. Yes.

Q. And you saw the treasurer handing the money to the secretary and putting it in the envelope? A. Yes, sir.

Q. And you went with him to the detective or ward officer? A. Yes, sir.

By Mr. Goff:

Q. Before the \$100 was given by the treasurer to the financial secretary, was there not a resolution passed that \$100 be appropriated for that purpose, for the wardman? A. Yes, sir.

Chairman Lexow.—Have you a copy of the resolution?

By Mr. Goff:

Q. I will get at that in a little while; you are clear that Morris Campbell was the man with whom you first made the arrangement? A. Sam. Campbell, not Morris.

Q. Did he say anything to you about the captain? A. No, sir.

Q. Did you ever see the captain? A. No, sir.

Q. How soon after you made the arrangement with him in his house for \$100 a month was the first \$100 paid to him? A. I can not tell.

Q. Was it within a week? A. I don't know, sir; I don't know whether it was paid or not paid a week or two weeks.

Q. But it was paid? A. It was paid.

Q. And it was paid every month, was it not? A. I can't tell that; I don't know.

Q. While you were president, was it not ordered to be paid

every month? A. Well, yes; I don't know about whether it was paid or not.

Q. I am asking you as president?

By Senator Bradley:

Q. You, as president, did not you put the motion to the members whether they should pay the \$100 or not? A. Yes, sir.

Q. You know whether it was paid? A. I suppose it was paid; but I can not tell; I did not see it.

Q. Didn't you put the motion? A. Yes, sir.

By Mr. Goff:

Q. Didn't you go with the financial secretary every time he went to Campbell? A. Yes, sir.

Q. And you went for the purpose of paying the \$100; wasn't that it; you went to see him for that purpose? A. Certainly.

Q. And the financial secretary had the money in an envelope, isn't that true? A. Yes.

Q. And handed it to the wardman in your presence? A. Yes.

Q. How long did that continue? A. I guess about a year.

Q. About a year? A. Before I left New York.

Q. Before you left; was the rate raised higher than a \$100 while you was president? A. I guess about \$125 was the highest paid.

Q. After you had paid the \$100 how did it reach \$125? A. Increase of members.

Q. Because the number of members increased; is that it? A. Yes; that is it.

By Chairman Lexow:

Q. See whether there was a tariff of so much ahead.

Mr. Goff.—It was 50 and 75 cents, you know.

Q. Now, did the wardman know when the number of members increased? A. Yes, sir.

Q. And when the number increased he demanded increased pay every month? A. Yes, sir.

Q. One hundred and twenty-five dollars? A. Yes, sir.

Q. What did he say about that? A. I never had any conversation with him.

Q. What? A. I never had any conversation with him.

Q. Did you have some conversation with him when he said \$125 would be necessary? A. Yes, sir.

Q. What did he say about that? A. Well, he asked me that the men should pay a little more.

Q. Pay a little more; and then did you increase the fees, the dues? A. No, sir.

Q. Only the number of members came in? A. That is all.

Q. Wasn't that \$100 a month—

Chairman Lexow.—See if he had a list of membership, the wardman.

By Mr. Goff:

Q. Yes; we will see; that is a good idea; do you remember ever giving a wardman a list of the members? A. Yes.

Q. And you gave him a list of the members so that they would not be interfered with for selling on Sundays? A. Yes, sir.

Q. Now, don't you know as a matter of fact, that some Bohemian saloon-keepers who didn't belong to the association were arrested for violating the excise law on Sunday? A. Yes, sir.

Q. And didn't you say to a number of Bohemian saloon-keepers that if they joined the association they would be protected? A. Yes, sir.

Q. Didn't Campbell tell you to tell all the Bohemian saloon-keepers to join the association in order to get protection? A. Yes, sir.

Q. Just a little louder? A. Yes, sir.

Q. Now, when you left the association as president you went to Europe, did you? A. Yes, sir.

Q. How long did you remain in Europe? A. Three months.

Q. Three months? A. Three months.

Q. Do you remember what year that was in? A. That was three years; that was in 1891.

Q. You went to Europe in 1891? A. Yes, sir.

Q. Now, from the time you were first elected president, up to the time you went to Europe, in 1891, this money was paid every month to the wardman? A. Yes, sir.

Q. Did the same wardman remain there all that time—Campbell? A. He was there all the time.

Q. When you went to Europe, who was elected president in your stead? A. Mr. Sykora.

Q. Is that gentleman in court? A. Yes, sir.

Q. When you returned, after your three months' stay in Europe, you still continued to belong to the association as a member? A. Yes.

Q. And you know that every month the dues were collected for the purpose of paying to the police? A. Not after I came back.

Q. You didn't know about it? A. I say there was nothing paid after I came back from Europe; they stopped paying that.

Q. Are you sure of that? A. Yes; they stopped paying after I came back from Europe.

Q. Why did they stop paying? A. They did not want to pay any more to the wardman.

Q. How did it come about; tell the committee how it came about they stopped paying? A. I can not tell you; I came and found they paid no more, and I did not pay nothing any myself.

Q. Did you know whether that association has paid anything since? A. No, sir.

Q. It has not paid anything since? A. No.

Q. You are president of that association? A. Yes, sir.

Q. And not a dollar has ever been paid? A. No, sir.

Q. Now, did you stop because you did not pay it yourself, or because the association did not pay it? A. There is nobody paid one cent; we paid just our dues, and that is all.

Q. What is done with your dues? A. We only pay \$1 a month.

Q. You do not pay for police protection? A. No, sir.

Q. Yet you are not bothered for Sunday violation? A. Once in a while.

Q. Now, I hand you the secretary's book, on page 12; can you tell us the date on that book? A. Right away, sir.

Q. Tell us the date? A. That is in June.

Q. In June of what year? A. It don't say.

Q. That is Mr. Vopelak's writing; is it not? A. Yes.

Q. That is his name, Joseph Vopelak, secretary? A. Yes, sir.

Q. Were you present at the time? A. Yes, sir.

Q. And this page contains the minutes of the recording secretary of that meeting in June? A. That is right.

Q. And you can not tell the year? A. It don't state the year.

Q. Do you remember what year? A. It must be 1890 or 1889; something like that; I can not tell.

Q. Eighteen hundred and eighty-nine or 1890? A. Somewhere around there.

Q. Now, my Czeck is not very good, so you will excuse me; I am going to commence, and I want you to pay close attention; we will start with the Twenty-second Assembly district? A. Yes, sir.

Q. Now, read that where my finger is, Twenty-second Assembly district; read it out to the committee? A. Excuse me, and give me a little time.

Q. Certainly; take your time.

Mr. Nicoll.—Read it slowly.

A. Well, you want me to start from here?

Q. From the Twenty-second Assembly district there, and read right down here? A. Well, this resolution was passed; \$100 was allowed on the National Building, New York, what is building now.

Q. What building is that? A. The National Building and Turner Hall, and all those kind; that is where the \$100 came; and it should be paid as soon as the committee is going to be accepted, and on the committee is Mr. Joseph Pospisil, Frank Kimeschel.

Q. Tell us what it is? A. It is a hard thing; I don't understand this.

Q. Yes; you must. A. I have somebody over here to read it; I don't know what they mean by this; well, it says, no officers is allowed to come in the saloon with uniform.

Q. Read that again. A. "No officer is allowed to come in the place with his uniform;" that is what it says.

Q. That is the resolution; who says that? A. Well, that is what was carried in the meeting.

Q. Carried in the meeting?

By Chairman Lexow:

Q. The meeting resolved no officer should be allowed in a saloon with his uniform on? A. Yes, sir.

By Mr. Goff:

Q. What I want to get is about the Twenty-second Assembly district; what does that mean there, and the \$1,000 there? A. That is only a \$100.

By Senator O'Connor:

Q. That is a \$1,000? A. I know; but that is only a \$100.

By Mr. Goff:

Q. What is this here? A. That is \$2.

Senator O'Connor.—Let him study that out during recess.

Chairman Lexow.—All witnesses subpoenaed shall present themselves again at 2:15. We stand adjourned until quarter after 2 o'clock.

AFTERNOON SESSION.

June 15, 1894.

The Chairman.—Are you ready, Mr. Goff?

Mr. Goff.—Yes, sir.

Joseph Vopelak, called as a witness, on behalf of the State, being duly sworn, testified as follows:

The Chairman.—Do you understand English?

The Witness.—Only a little.

The Chairman.—This gentleman says that he does not speak much English.

Direct examination by Mr. Goff:

Q. Are you a Hungarian? A. I am a Bohemian.

Mr. Nicoll.—May I ask where the witness is that was on the stand before luncheon.

Mr. Goff.—He is not here yet, but I presume he will be. He is, I think, searching for those certificates.

Q. What is your business? A. I keep a saloon.

Q. What nationality are you? A. I am a Bohemian.

Q. How many years have you been in America? A. I am here 14 years.

Q. How long have you been in the saloon business? A. About nine years.

Q. Where is your saloon now? A. My saloon is on the corner of Forty-seventh street and Avenue A.

Q. What Assembly district is that in; is it in the Twentieth or the Twenty-second Assembly district; do you know? A. It is the Twenty-second.

Q. Do you belong to the Bohemian Saloon-keepers' Association? A. No, sir.

Q. Did you belong to it? A. Yes, sir.

Q. Did you ever hold office in it; were you secretary? A. I was secretary.

Q. And you wrote down the minutes of the meetings? A. Yes, sir.

Q. Who is the present secretary of the association; do you know? A. I don't know because I do not belong to it.

Q. When did you cease or stop being a member? A. That is over two years ago.

Q. Were you secretary when Mr. Pospissil was president? A. Yes, sir.

Q. You were secretary during all the time that he was president, were you not? A. I was secretary; yes; I was the first secretary there.

Q. You were the first secretary? A. Yes, sir.

Q. You heard Mr. Pospissil's testimony to-day on the witness stand? A. Yes; but I do not understand everything.

Q. You don't understand every word? A. No, sir.

Q. Do you remember when the saloon-keepers formed this association? A. Yes.

Q. When they made the association? A. Yes, sir.

Q. Were you one of the men that got the Bohemian saloon-

keepers to organize into an association? A. There was a liquor dealers' association on Third avenue, and I was talking with about two men from the Liquor Dealers' Association; and they told me that because there was so many Bohemians that did not speak a word of English, they told us to start an association like that, and we should be joined to them after.

Q. When you organized, do you remember a committee being appointed to see the wardman, the police? A. No; I don't know.

Q. Don't you remember writing a resolution in the meeting to see the police? A. It is too long ago; I can not tell nothing about it.

Q. We will see; refresh your memory; did you ever go to see the police yourself? A. No, sir.

Q. Did you ever hear a report in the meeting about the president or anyone else of the association having seen the policeman or the wardman? A. Yes; there was a committee there; they always told us, you know, on Saturday, we should be strict on Sunday; that is all.

Q. What was the money paid into the treasury for? A. Well, we had some money to pay out once; we had \$100 to pay out on some lots; the Bohemian society bought some lots out there and we joined them and we had to pay \$100 on the lots.

Q. Where did you buy those lots? A. In Seventy-third street.

Q. In New York? A. New York.

Q. Bought lots in Seventy-third street? A. That is between First and Second avenue.

Q. Who bought the lots? A. All the association together.

Q. In whose name were the lots purchased? A. The company.

Q. What was the name of the company? A. I know how to say it in Bohemian; I don't know the English name.

Q. What was the Bohemian name? A. The Bohemian Association to build up a National Hall.

Q. How many lots? A. Three lots.

Q. You mean to say that there were \$100 subscribed for that? A. No; we paid \$100 on.

Q. You paid \$100 on three lots? A. Yes, sir.

Q. Were the lots vacant; no houses on them? A. No houses.

Q. Who sold them to you? A. Some woman; I don't know the name.

Q. You were recording secretary; did you ever see the deed? A. No; because we ain't got any deed.

Q. Did you ever get a contract or paper for the purchase of those lots? A. Yes, sir.

Q. Where is that? A. We had a paper from the company when we paid \$100 on them.

Q. Who drew up the paper? A. I had it in my hand, and after I left the club I left it there.

Q. Who did you give it to? A. To Mr. Pospisal.

Q. Was this paper signed by you? A. This paper was signed from the association, from the secretary.

Q. Who signed it? A. From the secretary.

Q. Who signed it as secretary? A. I didn't sign it; we got the paper; there was like a paper; then you got a part of it.

Q. Did you ever pay any more than \$100? A. Not on them lots.

Q. To whom did you give the \$100? A. To the cashier of another club.

Q. To the cashier of another club? A. Yes, sir.

Q. What was his name? A. Kopetski.

Q. Joseph? A. I can not tell you the first name; I know him well, but I don't know his first name.

Q. Is he in the liquor business? A. No; he used to keep a baker shop.

Q. What association is it that he was president of? A. The association is there yet.

Q. What is the name of it? A. The Bohemian National Association, to build up a national hall.

Q. Was there ever any money collected there in that society to pay the police? A. I know there was money collected; I don't know whether they paid it to the police or not.

Q. You know that there was money collected? A. I know.

By the Chairman:

Q. Do you know whether it was collected for that purpose? A. I know it was collected.

Q. To do that with it? A. It was collected for the purpose, certainly.

By Mr. Goff:

Q. What officer of the association was told to hand the money to the wardman? A. I don't —

Q. Do you understand me? A. No; I don't understand.

Q. Who gave the money to the wardman, to the police? A. I don't know.

Q. Don't know whose duty it was; was it the president's duty? A. It was the president's duty.

Q. How often was the money to be paid to the police? A. I don't know how often.

Q. Do you remember if it was once a month? A. Once or twice; I can not tell you; because I had nothing to do with it.

Q. Used you not write down the resolutions about paying? A. I was writing there; but we were meeting once in two months, one meeting; I can not tell you if the money was paid in one month or two months or in two weeks, because sometimes we had one meeting in three months.

Q. What was this money to be paid for, police protection? A. I can't tell you, because I didn't have anything to do with it.

Q. You were a saloon-keeper, and secretary of the association? A. I was secretary; yes.

Q. Didn't you know that the money was paid to the police so that you would not be arrested on Sundays? A. No, sir; I didn't know that.

Q. What was the money paid to the police for? A. We have some lawyers; if I was arrested —

Q. What was the money paid to the police for? A. I can not swear to it, if it was paid or not; I didn't see it.

Q. Wasn't the money ordered to be paid to the policeman? A. No; the money was paid for the benefit, if a man was arrested on Sunday; you hadn't any money to pay for a lawyer; I was paying out money, \$5 and \$10 bills for lawyers.

Q. You have sworn that there was money ordered by the association to be paid to the police; is that true? A. I don't know if the police were paid or not

By the Chairman:

Q. But whether it was ordered to be paid by the police, you testified a few minutes ago that it was; now, that was true, wasn't it? A. I don't know what you mean by testifying.

Q. You said a little while ago that your association ordered the president to pay money over to the police; now, is that true, or isn't it true? A. The president had a right to settle the thing up, but I don't know if he did or not.

Q. Didn't the association, at its meeting, authorize the president, empower the president, to pay money to the police?

Senator Bradley.—By a vote of yes or no?

A. It was not; we didn't vote anything about it.

By the Chairman:

Q. Didn't you pass a resolution giving him that power? A. I know nothing about the resolution.

Q. Do you mean to say that as the secretary of that association you didn't know that month after month payments were being made by the association to the police, wardmen, in that district

of from \$100 to \$125 a month by your association? A. I don't know anything about it, whether it was yes or not; I don't know.

Q. Don't you know what became of money that was contributed by you with others, to the funds of that association? A. Well, I don't know if it was paid or not; I didn't see it; I couldn't say so; if I didn't see it I can not tell it.

Q. Don't you know for the purposes for which you contributed your money? A. The money that I paid in there, I was about two years, and always when I was arrested—I was arrested many times—I always took out \$10 for a lawyer.

Q. While this association was going on? A. Yes, sir.

Q. And while you were a member of it? A. Yes, sir.

Q. Do you know Wardman Campbell? A. Yes, sir.

Q. Don't you know that your association paid every month from \$100 to \$125 every month to Wardman Campbell? A. No, sir; I don't know it.

Q. Did you ever speak to Campbell? A. Yes, sir.

Q. Did you speak to him as an individual or as secretary of your association? A. I say to him as a friend, because I was known with him and he knows me.

Q. Did you never represent your association in conversing with him? A. No, sir; I didn't have anything to do with the association or him.

Q. Did you never talk about money matters with him? A. No, sir.

Q. Do you mean to say now that you didn't know then, or at any time since, that your association was paying \$100 to \$125 a month to that man? A. Well, maybe they did pay it, but I can not swear; I didn't see it.

Q. Is the only reason why you are denying it because you didn't see it before your own eyes? A. Certainly; if I didn't see it I don't believe it.

The Chairman.—Go on, Mr. Goff.

By Mr. Goff:

Q. Have you been talking with anyone during recess? A. Do you mean—

Q. Have you been talking with any person during recess about your testimony, your examination here? A. I was talking yesterday with Pospisal.

Q. Were you talking to-day? A. No; last night I was talking with him.

Q. After you got the subpoena? A. Yes, sir: he sent for me.

Q. What did he say to you? A. He told me he has got a sum-

mons; I said, "I have got one like that, too; I don't know what that is."

Q. What did he send for you for? A. He showed me that; he showed me that paper.

Q. Did he tell you about coming down here to-day? A. Yes, sir; he told me I should come here; I told him I would be here the same time.

Q. Did you talk about the association? A. No; because I don't belong to it for the last two years.

Q. Did he ask you when you were secretary? A. He didn't ask me nothing about it.

Q. Have you spoken with any person to-day? A. No, sir.

Q. Not during dinner hour? A. There is my friend, Mr. Koravor, over there.

Q. Did you talk with him about going on the stand here? A. No, sir; he didn't say nothing; we were talking about Pospisal.

Q. About his testimony? A. Yes; he asked me what Pospisal is; I said he had to go down town for a paper.

Q. Did you talk about Pospisal, saying that he paid so much a month to the wardman, Campbell? A. No; he didn't speak anything about that.

Q. He didn't say anything about that? A. No, sir.

Q. Don't you know that that money was paid into the treasury for the purpose of paying the police once a month; now, don't you know that? A. Well, I don't know for sure.

Q. How much did you pay a week? A. Fifty cents.

Q. But all the rest of the men paid 50 cents? A. I guess so.

Q. Did you ever hear any committee report that they had seen the wardman and made arrangements with him? A. I can not remember; it is too many years ago; I can not tell you that.

Q. Did you ever pay the police any money yourself while you were in the business? A. No, sir.

Q. Never? A. Never.

Q. Nor a dollar? A. No, sir.

Q. Did you ever have little parties or balls in the rear of your saloon at night? A. No; I have got a small place; a corner place; there can not be no dance there or anything like that.

Q. Mr. Pospisal testified here that \$100 and \$125 were paid to the police every month; don't you know that that is true? A. No, sir; I don't know if that is true or not; maybe they have some extra charge, you know, because they have some dancing halls, and some dancing schools, and some places like that, and give them sometimes some extra collection for that; but I didn't pay any more than one half-dollar a week.

Q. Made extra collections on the dance halls? A. Yes, sir.

Q. And the man that had a dance hall had to pay more than the man that had not a dance hall? A. I don't know about that.

Q. What do you mean about making collections from the man that had a dance hall? A. I didn't pay none.

Q. How do you know, then, that the money was collected? A. Certainly; I know the money was collected, because we had some collectors.

Q. What was the money collected from the dance halls for? A. I don't know.

Q. Then what made you say there were collections? A. I said maybe they paid more; you asked me if I paid something to the police; I say I didn't pay nothing to the police.

Q. Did they pay more, pay more money? A. I didn't know whether they paid more or not.

Q. Then why did you say they paid more? A. You say they paid \$100 a month; you can not collect \$100 from saloon-keepers by 50 cents a week.

By the Chairman:

Q. Don't you know that there were 30 or 40 saloon-keepers in your association?

Mr. Nicoll.—That would not make \$100 a month?

Q. How many members were there? A. I don't know how many members; about 25 members, I guess.

By Mr. Goff:

Q. Some members paid 40 cents, did they not, into the association? A. I don't know if they did pay; my price was 50 cents a week.

Q. Do you know that you have a head on your shoulders?

Mr. Nicoll.—I object to the question.

A. I don't know what you mean by a head on the shoulders.

Q. Do you know anything at all about the association you were recording secretary of for two years? A. I don't know what you mean by a head on your shoulders.

Senator O'Connor.—Is this the man who the president testified he went with and saw pay the money?

The Chairman.—No, sir.

Q. Do you know anything about the association of which you were secretary? A. Certainly, I know something.

Q. You know that the members paid 50 cents a month? A. I paid 50 cents a month.

Q. You only know what you did yourself? A. Yes, sir.

Q. Did you ever write out your notes, your minutes? A. What do you mean?

Q. Did you ever write out what took place at the meeting?
A. Yes; I took what was took in at the meeting; what the cashier took.

Q. The money taken in? A. Yes, sir.

Q. What was the money taken in for at the meeting? A. I can not tell that; for the lawyers; I took out twice \$10 for the lawyer when I was arrested.

Q. Who gave you the \$10? A. The treasurer.

Q. Don't you know that the money was used for something else besides paying the lawyers? A. I can not tell; I don't know.

Q. Do you mean to tell me that you were a member of that association and you don't know what became of the money?
A. Yes; I belonged to another association, and I was not there for the last two years.

Q. I am talking of the time while you were there? A. Yes; I was there.

Q. Do you know what took place at all there? A. What do you mean?

Q. Were you there every meeting? A. No, sir.

Q. Wasn't your duty to be there every meeting; what were you recording secretary for, anyway? A. If I was not there sometimes I couldn't help it; there was another man.

Q. What other man? A. There was Marowski and Dessach; I was not there for a couple of meetings.

Q. Did you ever hear anything said about the police in the meeting? A. No, sir.

Q. Do you understand me? A. Yes, sir.

Q. Do you understand me? A. Yes; you mean if I heard anything.

Q. If you heard anything in the meetings about the police; anyone say anything in the meetings about the police? A. I can not remember that; it is too long ago.

Q. You remember you were the secretary? A. I was the secretary; yes.

Q. You were very much interested about the police and the excise law, were you not? A. I was not.

Q. You kept open on Sundays? A. Yes; sometimes; sometimes I was closed.

Q. You knew that was against the law, did you not? A. Yes, sir.

Q. Didn't you know that you couldn't keep open on Sundays if the police wanted to close you? A. Yes; they caught me a couple of times.

Q. The times they didn't catch you; don't you know that they

could have closed you every Sunday if they wanted you? A. No; they couldn't; I wouldn't leave them in; they could not catch me.

Q. Do you mean to say that you never heard anything said about the police at those meetings? A. I can't remember; it is too long ago.

Q. Who was treasurer at that time? A. I guess Mr. Levinger was treasurer at that time.

Q. That is your writing, is it not? (Book shown witness.) A. Yes, sir.

Q. What do you call that in the meeting; what do you call it? A. That is what you call the protocol.

Q. Isn't this what took place at the meeting, and you wrote it down as secretary? A. Yes, sir.

Q. That is your name as secretary? A. Yes, sir.

Q. That is what took place at the meeting? A. Yes, sir.

Q. That is what is done at the meeting? A. Yes, sir; that is what said always; I had to put it down.

Q. You put it down according as it was said at the meeting; is that it? A. Yes, sir.

Q. Can you translate your language into English? A. No, sir.

Q. That is your writing, is it not? (Referring to page 12 of the recording secretary's book.) A. That is my writing.

Q. Do you remember anything about a law in Albany allowing the saloon-keepers to keep their places open on Sunday afternoons; do you remember that? A. Yes, sir; I read it in the paper once; it was in the Bohemian paper.

Mr. Nicoll.—Is there any such law?

The Chairman.—You mean a proposed bill.

Mr. Goff.—I am trying to reach this witness in the most common-place language that I can use. If I saw bill I will have to repeat it over again. Of course, I mean a bill.

Q. You remember that, do you not? A. I read it in the paper once.

Q. Don't you know that it was talked about in the association? A. No; I don't know anything about that.

Q. Did you ever hear it talked about in the association? A. I can not tell; maybe I did.

Q. Is that your writing there on page 12? A. Yes; that is about a bill that should be open on Sundays.

Q. What about the Twenty-second Assembly district there? A. It says: "Twenty-second Assembly district puts down \$1,000 and we should give \$200, and we should pay out when the bill was passed; and there was a committee elected on it, Mr. Pospisil and Mr. Nepnitz.

Q. To whom was the \$200 to go? A. I can not tell you that;

the committee got the money; I don't know; maybe they got the money; I didn't see no receipt for it.

Q. That resolution was passed at a meeting, was it not?
A. Yes, sir.

Q. What about the Twenty-second Assembly district having paid \$1,000? A. I don't know that.

Q. Did that mean the Bohemian Saloon-keepers' Association of the Twenty-second Assembly district, to pay \$1,000? A. No; there was \$1,000; we only paid \$200; and this association paid \$1,000.

Q. What association paid \$1,000? A. That was the other association.

Q. The other liquor dealers' association; you were to pay \$200 out of \$1,000, is that it? A. Yes, sir.

Q. Let us understand that; all the liquor dealers of the Twenty-second Assembly district were to pay \$1,000 to get this bill passed, is that right? A. Yes, sir.

Q. And of that \$1,000 the Bohemian Saloon-keepers' Association of your Assembly district was to pay \$200; was that it? A. Yes, sir.

Q. And the \$200 were given to the committee? A. I don't know if they were given or not.

Q. It was resolved that they should get the money, was it not? A. There was a committee elected for that purpose.

Q. Were the committee to go to Albany? A. I don't know.
The Chairman.—Mr. Goff, your witness has come back.

Mr. Goff.—All right, sir; I will be through with this witness in a little while.

Q. Now, on page 12, where you say about this committee—that is March 26th? A. Yes, sir.

Q. Eighteen hundred and ninety-one, isn't it? A. I can not tell you the year; I guess that was 1891.

Q. We will see here on the next page, 13—see it? A. Yes, sir.

Q. That is May, 1891, is it not? A. That is right.

Q. So this on page 12 was the March before this entry on page 13? A. Certainly.

Q. The same year? A. Yes, sir.

Q. And this entry on page 13 is in May, 1891? A. Yes, sir.

Q. That is your handwriting on page 13, is it not? A. Yes, sir.

Q. That is your signature as secretary? A. Yes, sir.

Q. I want you to read there about the committee reporting that the money was got all right; about the bill in Albany; just read about that? A. It only says that that committee paid that money in the right place.

Mr. Goff.—That the committee put the money up in the right place.

Cross-examination by Mr. Nicoll:

Q. You never saw any money paid to any police officer? A. No, sir.

Q. Never paid any yourself? A. No, sir.

Q. Do you know anybody who did pay it? A. I don't know anybody; I never saw nobody.

Q. Never saw anybody pay it? A. No, sir.

By the Chairman:

Q. Why did you make that distinction a moment ago between knowing somebody pay money or seeing somebody pay money; do you know of anybody paying money for police? A. No.

Q. Why, then, did you make that change in your answer? A. Well, I don't speak right English, and sometimes I say a word I don't mean anything by it.

By Senator Cantor:

Q. Do you know the Ivy Club, in that district? A. No.

By Mr. Nicoll:

Q. The Republican Club in that district? A. No, sir; I heard something about it.

Q. Who is the Republican leader of the district? A. I don't know.

Q. Isn't it John Gunner? A. I don't know Gunner.

Q. You are not much of a politician; you are not in politics?

By the Chairman:

Q. Are you a politician? A. No.

Q. Who is the Tammany Hall leader in that district? A. I don't know.

Q. Who is the National Democracy leader? A. Oh, the Democratic Club?

By the Chairman:

Q. Yes. A. Maurice Featherstone is the leader there.

Q. You know him, do you not? A. No; I don't know him; I saw him once at an excursion.

By Senator O'Connor:

Q. Is your name on the general committee? A. I don't know whether it is there or not.

By the Chairman:

Q. Are you a member of Tammany Hall? A. I was a member.

Q. A member yet? A. I was a member; if I am yet I don't know; I didn't pay nothing last year.

Q. Were you the year before? A. I was a member about two years ago.

Q. You were a member of the general committee? A. I don't know if they have me in the book yet.

By Senator Cantor:

Q. Were you ever Republican? A. Yes; I was everything already.

Joseph Pospisil resumed the stand, and direct examination continued by Mr. Goff:

Q. Have you got the circular? A. I have, sir (producing paper).

By the Chairman:

Q. Is that letter written in Bohemian? A. Yes, sir.

By Mr. Goff:

Q. You got two papers, did you not? A. Yes, sir.

Q. Where is the other paper? A. Right here (producing paper).

Q. Now, I hand you a paper, No. 1, I will call it, and ask you if that is the circular you sent around last Saturday night to the liquor dealers? A. Yes, sir.

Q. Look on the back of that paper, and see if those are the names of the men to whom you sent the circulars? A. I can not swear to it; of course, those are the names; I don't know if they were all notified.

Q. You wrote those names? A. No, sir; not these names.

Q. Who wrote these names? A. The secretary.

Q. What secretary? A. The secretary of the club.

Q. What is his name? A. Mr. Danda; he has gone.

By the Chairman:

Q. He has gone? A. He is out of the society long ago.

By Mr. Goff:

Q. When did he write the names—Frank Danda, when did he write the names? A. It is quite a while.

Q. Quite a while ago; and you have had that ever since? A. Yes, sir.

Q. Is that the same circular you have used every Saturday that you sent it around? A. No, sir.

Q. How did you come to write the notice upon the same paper that Frank Danda wrote the names? A. We never sent that notice before out.

Q. Is that the first time you ever sent that notice out? A. No, sir; I sent it before a couple of years ago, but not now lately.

Q. What I want to know is, how is it that that paper with the handwriting of Frank Danda on it that you kept that for about two years and wrote the notice on the back of it? A. I haven't got it two years; I got it a couple of months.

Q. How long is it since Frank Danda was secretary? A. I can not tell; three months ago, I believe; I can not exactly tell.

Q. When did you write the circular? A. I wrote that last Saturday.

Q. Before you wrote the circular there was nothing on that paper? A. No, sir.

Q. But on the back of it there were the names written by Frank Danda, the secretary? A. I can not tell if Frank Danda wrote it.

Q. Did he give it to you? A. No; a man brought it to me into my place.

Q. What man? A. Mr. Fleischman.

Q. Is Mr. Fleischman a member of the association? A. No, sir.

Q. Then, what had Mr. Fleischman to do with handing you a list of names? A. Mr. Fleischman is a collector for the Liquor Dealers' Association.

Q. He is a collector for the Liquor Dealers' Association? A. He used to be.

Q. For your association? A. Yes, sir.

Q. Bohemian Saloon-keepers' Association? A. Yes, sir.

Q. Was the collector for collecting the money from the men? A. Yes, sir.

Q. And paying it into the treasury? A. Yes, sir.

Q. I thought Anton Linhard was the collector? A. Some time ago.

Q. Do you think you will be driven out of the saloon business for giving this testimony here? A. What is that?

Q. Do you think you will be driven out of the saloon business because you have testified here to-day? A. I don't understand what you mean.

By Senator Bradley:

Q. Do you think you will have to give up the business for having come here to-day? A. I don't know.

By Mr. Goff:

Q. Didn't you say that you would have to get out of the business; that the police would drive you out of the business because you testified to-day? A. Well, then I would have to give it up.

Q. Didn't you say so at recess when you went up to your house, didn't you say that the police would drive you out of business? A. I said I am going out anyhow, because I am sick.

Q. Didn't you say — A. Yes; that is right.

Q. That the police could drive you out of the business because you had testified here to-day? A. Yes, sir.

The Chairman.—If anybody attempts to drive you out of the business, doing a legitimate, proper and lawful business, why you communicate to the counsel for this committee at once.

Mr. Goff.—Tell me.

The Chairman.—If anybody attempts to intimidate you or do anything against you at all for doing an open, square and honest business —

Mr. Goff.—Just let us know. We will make it interesting for anybody who attempts to drive you out of the business.

By Mr. Goff:

Q. Now, will you translate that circular, please? A. I will.

Q. Into English? A. It says, here: "Friend, you have to close up on Sunday, because it is very strict. I just got the order of my man;" that is all.

Q. Isn't there more in that; can not you translate it all? A. It says here, "Look out for to-morrow. Everything is going to be pretty strict, and don't leave nobody in if you don't know them; I just found it out by —" it means by my friend.

Q. By your friend? A. Yes, sir.

Q. You signed that Joseph Pospisil? A. That is right.

Mr. Goff.—I offer this in evidence, together with the back of it, containing the names.

Marked Exhibit No. 1 of this date.

By the Chairman:

Q. You mean you found it out through your friends? A. Yes, sir.

By Mr. Goff:

Q. Who is your friend? A. One of the officers on the beat.

Q. Do you know his name? A. I can recollect it, probably.

Q. Think of his name, please? A. If you give me time, I will.

Q. All right, take your time? A. I can not think of it.

By the Chairman:

Q. Did you mean by this letter substantially this, "That the protection that these friends of yours would get ordinarily on Sunday would be withheld from them on that particular Sunday;" did you mean that? A. What is it?

Q. That the protection that these friends of yours would otherwise get would be withheld from them on that particular Sunday; last Sunday? A. Yes, sir.

Mr. Nicoll.—Didn't I understand the witness to say at the morning session that no payments had been made to any police officer since 1891?

The Chairman.—I don't understand.—

Senator Cantor.—I have just suggested to the chairman that the witness had just testified that in the last five or six years they had paid nothing to the police force.

The Chairman.—I do not assume, Mr. Nicoll, and neither did I think, that the Senator here assumed that it always required money to get protection. Protection can be had in other respects than simply through the payment of money.

Mr. Nicoll.—Then you were not referring to the payment of money?

The Chairman.—Not necessarily; no.

Mr. Nicoll.—That is all I want to know..

By Mr. Goff:

Q. I hand you the paper of Friday, June 8th, the New York Listy; will you show me where you saw in it that the excise law was going to be enforced or things were going to be strict? A. No, sir.

Q. Now, I hand you the same paper for Saturday, June 9th, and ask you if you can see anything in Saturday's paper about the Sunday law? A. No, sir.

Q. So you can't find a notice about the saloon-keepers closing on Sunday in either Friday's or Saturday's edition of the New York Listy? A. No.

Q. And the only information you had from that came through your friend, the policeman on the beat? A. Yes, sir.

Q. Did that policeman ever tell you before; did he ever give you that notice before? A. To me; yes.

Q. On other times? A. Yes; to my own self.

Q. Did he ever give you the notice to send around to the members of the association? A. No, sir; I did that at my own risk.

Q. You did that on your own responsibility? **A.** Yes, sir.

By the Chairman:

Q. But he knew that you were president of that association, did he not? **A.** Yes, sir.

Senator Bradley.—Then, the testimony you gave about getting your information through the paper is not true?

The Chairman.—He has admitted that.

Q. Now, you say that since your return from Europe, in 1891, the association has not paid any money? **A.** No, sir.

Q. Are you sure about that? **A.** Yes, sir.

Q. Has it paid any money to any other person or persons than the police? **A.** No, sir; not as I know of.

Q. I call your attention to page 12; you were president at that time when Mr. Vopelak was secretary; you were president at that time? **A.** That is before 1891.

Q. No; that is in March, 1891; I ask you to look at that portion of the minutes relating to the bill at Albany to allow the saloon-keepers to open on Sunday afternoons? **A.** Yes, sir.

Q. Read that there? **A.** Nothing seems to be said about Albany.

Q. It speaks about the Twenty-second Assembly district? **A.** That is there.

Q. Doesn't it say that the Twenty-second Assembly district was to contribute \$1,000? **A.** No.

Q. What is that there? (Indicating.) **A.** That means \$100.

Q. Do you mean to say that is \$100? **A.** They never had a thousand dollars in their treasury as long as they are existing.

By the Chairman:

Q. Somebody has testified here that a purse was to be raised of \$1,000 in the whole Assembly district; not from you; in the whole Assembly district; and that your association was to pay \$200 of that to get legislation favorable to your interests on Sunday from Albany; isn't that there? **A.** No, sir.

By Senator Bradley:

Q. You can not read that there? **A.** I can not read it; it is not here.

Mr. Goff.—Tell us what it says.

Q. Tell us what it says, if it don't say that? **A.** Well, it tells him that it should be allowed \$100.

By Mr. Goff:

Q. But it don't say what for? A. I don't understand this.

Q. What is the \$200 for? A. Excuse me, I will have to bring somebody else to read it; I can not read that.

Q. Can you read that on page 13? A. It says that the money was put up in the proper place.

Q. What money was put up? A. I don't know just what it says.

Q. But you were on the committee here? A. What is that?

Q. You and Pospissil and Nemicek were on the committee for distributing this money, that it what it says? A. That is correct.

Q. Now, what did the committee do with the money? A. Well, I don't deny that there might be \$100, but not \$1,000; that is impossible.

Q. Never mind about the amount now, whether it was \$100 or not; what is this here; that is \$200, isn't it? A. No; that is \$2.

Q. Look at that again? A. It means \$200 to be paid after the bill is passed.

Q. You were on that committee, you and Mr. Nemicek, were you not; your name is here? A. Yes.

Q. On page 13, at the next meeting, the committee reports; Pospissil, yourself and Nemicek; that the money was placed all right; put in the right place; where was the money put? A. Outside, as I told you before — outside, Mr. Campbell; I never paid a cent nowhere else.

Q. Where was this \$200 put that you and Nemicek reported was put in the right place; where was it put?

Mr. Nicol.— In the safe, I suppose.

Q. Where was it put?

By Senator Cantor:

Q. What was meant by it? A. It must be meant to Mr. Campbell? A. I don't know anybody else.

By the Chairman:

Q. You don't mean to say that you paid Mr. Campbell, the wardman, \$200 for the purpose of securing favorable legislation for you at Albany, do you? A. No, sir.

By Mr. Goff:

Q. You went to Albany? A. Yes, sir.

Q. Don't you know the man that you gave \$200, at Albany?

A. I don't know; I never gave anybody a cent at Albany.

Q. What did you go to Albany for? A. Well, there was a resolution at our meeting, that we should send two delegates on there to push the bill forward.

Q. Didn't you take the \$200 along? A. No, sir.

Q. What did you do with the \$200? A. I don't know anything about the \$200.

Q. Did you put the \$200 in your own pocket? A. No, sir.

Q. The society and the secretary swears to the writing, that you got \$200; what became of it? A. He has got to prove it.

Q. He has proven it here; sworn to it? A. No, sir.

Q. What did you do with the \$200? A. I never received no \$200.

Q. What is this \$200 here for? A. I don't know.

Q. What did you report at the next meeting, that the money was put in the right place? A. I told —

Q. Did you report at the next meeting that the money was put in the right place? A. Well, it was to be put in Mr. Campbell's place.

Q. Now, you remember it was to be put in Mr. Campbell's place? A. That is what I said right away.

Q. Did you give it to Mr. Campbell, the wardman? A. No, sir.

Q. Had you to go to Albany to give it to him? A. No; we gave it right in the house.

Q. You went up to Albany? A. Yes sir.

Q. Who went with you? A. Mr. Sykora.

Q. Is Mr. Sykora in court? A. He was here a little while ago.

Q. He was here to-day, was he not? A. Yes, sir.

Q. Whom did you see in Albany? A. Just Mr. Flegenheimer.

Q. Who is Flegenheimer? A. That is the liquor dealer.

Q. Was he an Assemblyman at that time? A. No, sir.

Q. Did you see anyone else but Flegenheimer? A. I see some party over there.

Q. What party? A. I mean I saw some man over there, but I don't know who he was.

Q. The only one that you knew is Mr. Flegenheimer; is that it? A. Yes, sir.

Q. Don't you remember coming back at the next meeting reporting that the money was put up all right; don't you remember that? A. No, sir.

Q. The secretary records it here? A. I can not say, because I don't know anything about it.

Q. You don't know anything about it? A. No, sir.

Q. Now, isn't it the truth that you are afraid to testify about that \$200 transaction? A. No, sir; I am not afraid a bit; I will just tell what is true; I can not lie.

By the Chairman:

Q. You were paying at that time from \$100 to \$125 a month to this man Campbell? A. Yes, sir.

Q. Because he permitted you to violate the law on Sunday? A. Yes, sir.

Q. Now, is it not reasonable for you to pay him \$200 to pass an act whereby it would be legal for you to open on Sunday and whereby his income would be diminished just \$100 a month? A. I don't know anything about it.

Q. In view of that fact, is it reasonable; is your recollection certain that you paid it to him? A. Yes, sir; my recollection is certain.

Q. Why, if that law passed he would lose \$100 or \$125 a month, wouldn't he? A. I had nothing to do with the law at all.

By Senator Bradley:

Q. What took you to Albany? A. Well, our association thought, perhaps—I will tell you; the Tenth ward parties invited us to go along, to help them along; we didn't want to go there; but the Tenth ward wanted to take us along; so we brought that at the meeting, and thought that by picking two delegates out with the Tenth ward that we might succeed there.

Q. Was this \$200 to pay expenses? A. We received \$50 for our own selves.

By the Chairman:

Q. For each man? A. No, sir; \$25 apiece; I don't know nothing about the \$200; I don't know what the meaning was.

By Senator Bradley:

Q. You didn't report back that \$50 was put in the right place, did you? A. No, sir.

By the Chairman:

Q. You say you paid these \$200 to Campbell; you say now that you don't know what that \$200 means; you testified a few minutes ago that you paid it to Campbell? A. If it was given to a certain party, it must be to this party.

Q. That \$25 was not part of this \$200? A. I can not tell to-day, any more; it is too long a time.

By Mr. Goff:

Q. I want you to look at that circular again? A. Yes, sir.

Q. Don't you say there in that circular these words: "Friend, be careful to-morrow, as there will be a very strict day?" Isn't that right? A. Yes, sir.

Q. Then, don't you go on and say: "Don't let in your best known policeman, even if he would be every day in your place?" Isn't that right? A. Yes, sir.

Q. "Because you can not know if nobody stands behind him?" A. That is right.

Q. "It is very dangerous, and so be very careful;" is that right? A. That is right.

Q. "I just now received this from a captain," A. It don't say from a captain.

Q. Let me see if it doesn't; what does "pantata" mean? A. It means a friend of mine.

Q. It means something more than a friend? A. No; that is all.

Q. Now, be very careful; doesn't "pantata" mean your father-in-law, or your friend in the law? A. My friend in the law.

Q. Isn't that what "pantata" means? A. Yes, sir; that is right.

Q. Doesn't it mean the police captain in the precinct; isn't he what is called the "pantata?" A. Well, everybody can use his expression the way he wants to.

Q. Didn't you use "pantata" in the sense that you referred to the captain or head policeman? A. That is the way they used to use —

Q. That is the sense that you used it in there?

By the Chairman:

Q. That is what you meant there? A. No; I can not tell just in a proper way; that it was very strict; that is all.

By Mr. Goff:

Q. What does "pantata" mean? A. I tell you it means father-in-law.

Q. And the father-in-law means the captain, doesn't it? A. Well, you can take it just as you will.

Q. Isn't that the fact in Bohemian? A. No, sir.

Q. In the Czeck language? A. No, sir.

Q. I show you page 26 of the recording secretary's minutes; do you know whose writing that is? A. It is Mr. Danda's.

Q. Do you see his name here — Frank Danda? A. Yes, sir.

Q. Will you read here for me; I point to you a line; read that line? A. Yes, sir.

Q. Particularly the word "pantata" there; "\$300;" can you read that? A. Yes sir.

Q. Now, what does that mean? A. It is the same party I told you before.

Q. Tell us again? A. It is Mr. Campbell.

Q. How can that be Campbell; just look at the date here? A. Yes.

Q. What date is that?

Mr. Nicoll.—What month?

Mr. Goff.—September 3d.

Q. Isn't that right? A. Yes, sir; September 3d.

Q. Commence this sentence here, translating from the word, "Polyduke?" A. It means, "The treasurer paid out"—that is, "The treasurer gives the report he paid \$300 out—

Q. Don't escape that word here; what about that word; treasurer reports that he paid the pantata \$300; isn't that it? A. That is right.

Q. Who is the pantata that he paid \$300 to? A. It is paid to—I don't know anything about it.

Q. Don't you know, as president of the association, who was meant by the pantata? A. I told you Mr. Campbell.

Q. Do you mean to swear that that means Mr. Campbell? A. Yes, sir.

Q. Doesn't it mean the captain of the precinct? A. Well, it means the head man.

Q. Well, that is the head man? A. Well, that is what it is.

Q. It means the head man in the law; isn't that it? A. Yes, sir; that is right.

Q. Now, I call your attention to page 36, under date of January 8, 1892; read that; that is lined there; that is Mr. Danda's writing, is it not, the secretary? A. Yes, sir.

Q. Read that page 36, under date of January 8, 1892; can you translate it? A. Sure.

Q. What does that say; does it say something about sending two members as a committee to the "pantata?" A. Yes.

Q. What are the two members of the committee appointed to do? A. I can not tell.

Q. Oh, yes; you can; was it four—read it a little further, now? A. That is right; I read it.

Q. Weren't they to go to find out from the pantata what they should do about Sunday opening, opening on Sunday; isn't that so? A. I don't know anything about it.

Q. Isn't that what is in the book here? A. Well, it says it gives information regarding Sunday.

Q. And to know that the members of the association would be safe; look at that again; doesn't it say that the secretary should tell the result of the visit of the committee to the pantata to

every member of the association; doesn't it say that; you think that I don't understand the Czech language? A. Oh, you can—

Q. But you are mistaken.

Mr. Nicoll.—Will you not get somebody that understands it to interpret it.

Mr. Goff.—No; I have a right to examine.

Mr. Nicoll.—Why not either call the interpreter, who is here, or a man who is in court?

The Chairman.—As I understand, the questions of Mr. Goff are directed not only to the fact of proving that these writings represent the association's minutes, but that the witness has a recollection of the transactions as they occurred at the time. Now, the mere translation of that will not work those two results.

Mr. Nicoll.—If he can translate it, let him translate it. If he can not, let somebody else translate it.

The Witness.—I can; but it takes me some time.

The Chairman.—Why don't you get somebody to stand up there and interpret it for him?

Mr. Goff.—I want to get this witness' language.

Mr. Nicoll.—But that is the longest way.

Mr. Goff.—But sometimes the longest way round is the shortest way home.

Mr. Nicoll.—But you haven't got anywhere near home yet?

Mr. Goff.—Oh, yes; we have got the pantata.

By Mr. Goff:

Q. Were you an officer of the association when Captain Schmittberger went into that precinct? A. Yes, sir.

Q. Who was present then? A. Mr. Sykora.

Q. Had you anything at all to do with the association? A. I was a member; that is all.

Q. Were you not elected president again? A. Yes, sir.

Q. While Captain Schmittberger was in that precinct? A. He just went out when I was re-elected.

Q. Then Captain Strauss came in? A. Yes, sir.

Q. Who is Captain Strauss' wardman? A. I guess at the present time it is Mr. Phil. Weller.

Mr. Goff.—Captain Strauss, will you volunteer to help us, by stating who your wardman is, if you please.

Captain Strauss.—Weller and Gray.

Mr. Goff.—Weller and Gray; these were the wardmen, were they not? A. Yes, sir.

Q. Didn't you do business with Weller, the same as you did with Campbell? A. No, sir.

Q. How did it come that your association was not compelled to pay money? A. I never had no idea to ask them to accept any money of us.

Q. When did they stop paying money? A. As I told you; as soon as I got on the chair again; since that time they never paid a cent.

By Mr. Nicoll:

Q. What? A. Since I got on the chair again I never paid a cent.

The Chairman.—Since he was re-elected president they never paid a cent. He went away to Europe for a while and came back and was re-elected president.

Mr. Nicoll.—Since he went to Europe, then, he says he never paid a cent?

The Witness.—No; since I came back.

By the Chairman:

Q. When did you come back? A. In 1891.

By Mr. Nicoll:

Q. Then, since 1891 you never paid a cent? A. Not to my knowledge.

By Mr. Goff:

Q. You mean to the police? A. Yes, sir.

Q. Are you afraid to testify because Captain Strauss is in the room? A. No, sir; I will stand right up in front of him and say what I know.

Q. Do you mean to say that the Bohemian Liquor Dealers Association has never paid a cent to any police official since 1891? A. Not as I know.

Q. Could they have paid it without you knowing it? A. Not out of the treasury.

Q. Have they paid any politician any money since 1891? A. I can not tell that.

Q. Couldn't you tell it if they had paid any politician? A. If I knew it; yes.

Q. Do you know if they have? A. I say I don't know it.

Q. Will you swear that the association has not paid any person, whether policeman or politician, or any one else, for protection since 1891? A. Yes, sir.

Q. Will you swear to that positively? A. Yes, sir; not out of the treasury.

Q. Well, out of any fund? A. No; we had no other fund.

Q. Are the moneys paid directly by the members? A. Sir.

Q. Do the saloon-keepers pay the money directly? A. Not as I know.

Q. How is it that they don't pay into the treasury for protection? A. We don't pay any protection whatever around.

Q. What arrangement was made that related to protection? A. I made no arrangement at all since Captain Strauss came in the district; why, we never had nothing to do with him.

Q. Didn't you subscribe the same amount of money every month that you had been subscribing? A. No, sir; we only paid 50 cents a month, and now we are paying a dollar a month.

Q. Where does the dollar a month go? A. It goes for a lawyer in case anybody is locked up.

Q. Who is the lawyer you pay now? A. We have Mr. Bash.

By the Chairman:

Q. How many members have you got now? A. About 28 or 30.

Q. And you pay a dollar a week or a month? A. A dollar a month.

By the Chairman:

Q. How much did you pay in 1891; 50 cents and 75 cents a week? A. Yes, sir.

By Mr. Goff:

Q. How long has Captain Strauss been in that precinct? A. It is pretty near two years.

Q. Then, when you returned from Europe, Captain Schmittberger was there? A. Well, I didn't get on the chair right away.

Q. When did you get in the chair? A. I can not exactly say; I believe it was after March, or something like that; I can not tell now.

Q. What year? A. Eighteen hundred and ninety-one, I believe.

Q. Why, you returned from Europe in the fall of 1891? A. Well, I didn't go into the chair—

Q. You got into the chair the next year, 1892? A. Well, it must have been 1892.

Q. When you came back from Europe the association was paying money in the usual way that they had been paying when you left to go to Europe? A. I can not tell that.

Q. Didn't you pay your dues in the usual way? A. No, sir; because I was retired from business.

Q. When you came back? A. When I came back I first bought the place again.

Q. Do you know a wardman by the name of Lang? A. Yes, sir.

Mr. Goff.—Is Officer Lang in court?

Officer Lang.—Here.

Q. Do you know Officer Lang? A. No, sir.

Q. Did you ever see him before? A. No, sir.

Q. Don't you know he was a wardman in that precinct? A. Not in our precinct.

Q. Well, in any precinct? A. I don't recollect.

Q. Don't you recollect when Captain Schmittberger was there? A. Well, I just told you.

Q. Don't you recollect when Captain Schmittberger was there? A. I do; yes.

Q. Don't you remember Officer Lang to be his wardman? A. Maybe; but maybe he was not long enough there.

Q. Did you ever see him before? A. I don't recollect; I don't know him at all.

Q. Don't you know that you saw every wardman in that precinct since you have been in the liquor business? A. No, sir.

Q. Did you know Campbell's partner? A. Yes, sir.

Q. Did you pay him any money? A. No, sir.

By the Chairman:

Q. What do you do with the money that you collect in your association now? A. Generally, in case somebody is arrested and needs a lawyer down town, we pay the lawyer out of the money.

Q. How often have you done that this year? A. About nine times.

Q. And paid all the fines and all the expenses? A. Well, we generally only pay just what the lawyer costs.

Q. How much is that? A. Five dollars for one case.

Q. That is \$45? A. Forty-five dollars.

Q. What have you done with all the money that you have collected from contributions of members? A. Some of it is in the treasury.

Q. How much have you got in the treasury? A. I can not tell.

Q. Who is the treasurer? A. Mr. Nemick.

Q. Is he here? A. Yes, sir.

Q. All the money that has been paid out is \$45? A. I can't exactly tell if it is \$45 or \$55.

Q. It is not more than \$55? A. I don't think it is.

By Mr. Nicoll:

Q. The treasurer is here? A. Yes, sir.

Q. Whatever has been paid in or out he knows? A. Yes, sir.

The Chairman.—This witness testifies that nothing has been paid out excepting \$5 a case to a lawyer, and that there have been nine or 10 cases.

By Mr. Goff:

Q. As a matter of justice, Officer Lang, who has responded to my call, is not the Officer Lang intended to be subpoenaed; I know this officer; he was connected at the time with the Central Office, and it was only when he stood up that I saw that he was not the officer meant; so you can go, sergeant.

The Witness.—I never seen the man before.

The Chairman.—What you want to do is to tell the facts, and all the facts.

Cross-examination by Mr. Nicoll:

Q. When was the last time that you went to the house with Mr. Campbell? A. That was before I left the country here.

Q. When did you leave the country? A. It was in August, about the 15th, 1891.

Q. When did you come back? A. I came back, it was about November 20th or 22d.

Q. The same year? A. The same year.

Q. When were you re-elected president? A. I can not exactly say which month it was, but after New Year's; I believe about February, 1892.

Q. Now, between the time that you got back and the time that you were elected president, was there any money, to your knowledge, paid by your association? A. Not to my knowledge.

Q. After you were re-elected president in February, 1892, was any money paid by your association? A. No, sir.

Q. To anyone connected with the police force in the city of New York? A. No, sir.

Q. Do you know the Ivy Club, in that precinct? A. I do.

Q. Mr. Campbell was a member of the Ivy Club, was he not? A. Yes, sir.

Q. Who was the leader of the Republican organization in that district? A. John Gunner.

Q. Was John Gunner the president of the Ivy Club? A. Yes: I think so; I don't know for sure.

Q. Was that the Republican Club in the district? A. Yes, sir.

Q. Isn't it a fact that the money you paid to Mr. Campbell was

a subscription made by your association to the Republican Club in your district? A. I can't tell that, because I don't know.

Q. What? A. I don't know about that.

Q. The Bohemians were Republicans, were they, most of them?

A. Some of them.

Q. And Mr. Campbell was a prominent Republican, and a member of the Ivy Club? A. Yes, sir.

Q. And he collected subscriptions for the benefit of his political club, did he not? A. I don't know anything about it.

Mr. Goff.—What does this witness know about that?

Q. Isn't it a fact that you talked with Mr. Campbell about the money being used for political purposes? A. I talked with him very often with regard to the Ivy Club, but I never talked to him where the money goes.

Q. Are you a member of the Ivy Club? A. No, sir.

Q. Are any of the members of your association members of the Ivy Club? A. Not as I know.

By Senator Cantor:

Q. Did the Ivy Club give a clam bake or clam chowder every year? A. I don't know.

By Mr. Nicoll:

Q. Did the Republican Club in that district sell tickets for a clam chowder among the Bohemian liquor dealers? A. Not to my knowledge.

Q. Did you ever go to a clam chowder? A. Not of the Ivy Club.

By Senator Cantor:

Q. Did Campbell ever sell you any tickets for the Ivy Club clam chowder? A. I never bought any.

Q. Did you hear of any of the members of your association that bought any? A. I heard so, several times.

Q. You heard that Mr. Campbell sold tickets for the Ivy Club chowder to your members? A. Yes, sir.

By Mr. Nicoll:

Q. Who was captain in the precinct when Mr. Campbell was there at the time you speak of? A. I guess Mr. Gunner.

Q. And it was his son who was the Republican leader in the district, wasn't it? A. Yes, sir.

Q. And Mr. Campbell, the wardman, was a member of the

Ivy Club, of which Captain Gunner's son was the president?
A. Yes, sir.

Q. And they are all Republicans, were they not? A. Yes, sir.

Q. Mr. Gunner was in the custom-house, was he? A. Yes, sir.

Q. The president of the club was a Republican officeholder?
A. That is right.

Q. Did I understand you to say that every time you went to Mr. Campbell's house someone went with you? A. Yes.

Q. When did you first go to Mr. Campbell's house? A. What is that?

Q. When did you first go to Mr. Campbell's house? A. I can not exactly remember the day.

Q. Tell me the year? A. It must be about 1888 or 1889, somewhere like that; I can not exactly tell you now.

Q. Is it possible that you can not come nearer than a year?
A. What is that?

Q. Can't you come nearer than a year? A. I don't recollect it now any more; it must be 1888 or 1889.

Q. That is the best you can do? A. That is the best I can do; yes, sir.

Q. Did you go to his house once a month after that? A. Sometimes I wouldn't see his house for a half a year; somebody else went over there.

Q. What? A. Somebody else went over there.

Q. That is what I want to know? A. Sometimes I didn't see his house for half a year.

Q. Suppose you started in 1889 to go to his house first; when was the next time you saw him? A. I can't recollect that.

Q. Who was with you the first time? A. A party by the name of Pulitzer.

Q. Who was with you the second time? A. I don't know who was with me the second time.

Q. Who was with you the third time? A. I guess Mr. Vopelak was with me the second time.

Q. Did you yourself pay Mr. Campbell any money? A. No, sir.

Q. Never? A. No.

Q. You never paid him any money? A. Just put an envelope —

Q. I mean to say, did you hand Mr. Campbell any money from your hand to his hand? A. No, sir.

Q. In your life? A. No, sir; I laid it on the table.

Q. In his presence? A. No; without his presence.

Q. In whose presence? A. Nobody there in the room; the lady opened the door and we walked in.

Q. Nobody in the room but you? A. Only me and another man; a friend of mine.

Q. Did you ever have any conversation with Mr. Campbell afterward about the money? A. I had a conversation if he received it, and that is about all.

Q. Did you ask him? A. Not to my knowledge; I don't know.

Q. Did you ask him whether he received it? A. Not as I know.

By Mr. Goff:

Q. Do you know a club called the Lenox Club? A. I do.

Q. Did you belong to the Lenox Club? A. I used to; I don't belong to it now, any more.

Q. That is the Tammany Hall of that district, is it not? A. Yes, sir.

Q. Who is president of that club? A. Mr. Andrews, I believe.

Q. The street cleaning commissioner? A. No.

Q. Another Mr. Andrews? A. Another.

Q. Did you ever buy chowder tickets for that club? A. I did.

Q. How much had you to pay for the tickets for the chowder? A. Five dollars.

Q. That is the usual charge, isn't it? A. Yes.

Q. All the saloon-keepers had to buy the tickets? A. I don't know anything about that.

Q. How many tickets had you to take? A. I didn't mean to take none at all.

Q. Didn't you take any? A. Yes, sir; for my friends.

Q. How many? A. I took five or six.

Q. You are a poor man, are you not? A. Yes, sir.

Q. You couldn't afford to pay \$30 for a chowder? A. I sold the tickets to friends of mine.

Q. To whom did you sell the tickets? A. To the business men in the ward there.

Q. Saloon-keepers? A. No, sir; butchers, grocers.

Q. Didn't every member of the Saloon-keepers Bohemian Association get five tickets? A. No, sir.

Q. Don't you know that they all got tickets? A. They might have got tickets.

Q. Don't you know that every member of the association had tickets for the Lenox Hill Club chowder? A. Not as I know.

Q. Did you ever see any association member but yourself with a ticket? A. No, sir.

Q. Did you go to the chowder? A. I did.

Q. Did you see any members of the association there? A. Yes.

Q. Don't you know they bought their way there, too? A. Yes.

Q. What members of the association did you see there? A. I saw my brother-in-law.

Q. He is a saloon-keeper? A. Yes, sir.

Q. Who else? A. Mr. Fealla.

Q. He is a saloon-keeper? A. That is about all, I guess.

Q. Don't you remember their names; don't you know that your brother-in-law received tickets at \$5 apiece? A. No, sir.

Q. How many tickets did he receive? A. I don't know.

Q. Are you a member of the Tammany Hall general committee?

A. I used to.

Q. What year? A. Two years ago; after I came from Europe I gave it up.

Q. There are other members of your family who run saloons too, are there not, besides your brother-in-law? A. Yes, sir.

Q. Who else? A. My mother.

Q. Had she to take tickets for the Lenox Hill chowder? A. No, sir.

Q. Are you sure? A. Yes, sir.

Q. Swear to that positively? A. I gave one ticket to her son.

Q. Didn't you charge him for it? A. Yes, sir.

Q. You got \$5 for that ticket? A. Yes, sir.

Q. Don't you know that it is a well-understood thing among the saloon-keepers of that district that they must buy these \$5 tickets every year for the annual chowder? A. Not as I know.

Q. Did you ever hear of it; you are a good Tammany man are you not? A. I am, sir.

By the Chairman:

Q. You were a Tammany man in 1891? A. Yes, sir.

Q. Were you on the general committee at that time? A. Yes, sir.

Q. In 1891? A. Yes, sir.

By Mr. Goff:

Q. Did you not intend that the committee should understand that you bought tickets from Mr. Campbell for the Ivy Club? A. Not as I remember.

Q. Did you ever buy tickets for the Ivy Club? A. I bought a couple of times tickets, yes.

Q. One time for three dollars? A. Yes.

Q. How many? A. One.

Q. How much money? A. Three dollars it was at that time.

Q. It has raised \$2? A. Yes, sir; that is the clambake.

Q. You bought six tickets for the Lenox Club; the Tammany Hall Club? A. Yes, sir.

Q. That is all you bought from the Ivy Club? A. Yes, sir.

Q. You have translated for me; will you translate that word for me there I point out on that paper; what does that mean? A. That means that Mr. Goff—

Q. What does it say there? A. It says that Mr. Goff's friends are very strong.

Q. What is that word here? (Indicating.) A. Which word.

Q. This word here? A. It means Mr. Goff.

Q. What does that mean there, Goffovy? A. That is right.

Q. What does that mean? A. It means your name, I suppose.

Q. It means my name in English? A. Yes, sir.

Q. We were talking about "pantata?" A. Yes, sir.

Q. What does Pan Goff mean? A. That means Mr. Goff.

Q. It doesn't mean "pantata" there? A. No, sir.

By Mr. Nicoll:

Q. Did you go to the Ivy Club chowder party? A. No, sir.

Q. I understand you to say that "pan" means mister? A. That is right.

Q. What does "tata" mean? A. It means father.

Q. "Pantata" means Mr. Father? A. No, sir; that means my father-in-law.

Q. What does "pan" mean in "pantata?" A. "Pan" and "pon" are different things altogether.

Q. When you say "Pan Goff," do you mean Father-in-law Goff? A. No; we mean Mr. Goff.

Q. If you don't mean Father-in-law Goff in "Pan Goff," what do you mean father-in-law captain in "pantata?" A. I don't mean captain in pantata; we can call you pantata, so far as that is concerned; I am a pantata? Sure.

Q. Would you call Mr. Goff a pantata? A. Exactly.

By the Chairman:

Q. Was Mr. Campbell a wardman last week? A. No.

Q. Then, why did you say, on your examination here, that Campbell had notified you that the excise law would be strictly enforced last week? A. I didn't say that.

Q. You didn't mean it? A. No.

Q. Didn't you say, on your examination, that "pantata" in that circular of yours meant Campbell? A. Oh, no; he is retired.

Q. Didn't you say that meant Campbell? A. No.

Q. In answer to Mr. Goff's question as to whether or not it meant captain, did you say no, it meant Campbell? A. What is that?

Q. Didn't you say that the interpretation you meant by that word was Campbell? A. That is what I said; some time ago we used to call Mr. Campbell "pantata."

Q. Didn't you say that, in that circular; in answer to Mr. Goff's

question that the word "pantata" meant your friend, Mr. Campbell? A. No; I can not say that; he is out of the business a long time already; he is not in the district any more.

Q. Who was it that gave you that notice? A. A friend of mine; an officer told me, close up for to-morrow; be careful; of course, I took it on my own risk; on my own responsibility; I sent down to friends of mine.

Q. Who was the officer? A. I believe it was Patty Grow.

Q. Is he an officer on the beat there? A. Yes, sir.

Q. Why did he give you that notice? A. I guess that he knew me.

Q. Did he tell you where he had got it from? A. He told me where he got it.

Q. Didn't he tell you where the source of his information came from? A. He says, "We have got strict orders."

Q. That they had received strict orders? A. That they had received strict orders.

Q. From whom; from the captain? A. Yes, sir.

Q. Had he received orders to tell you? A. No, sir.

Q. Did he not say anything about that? A. No, sir; he did it at his own good will.

Q. Had these officers on the beat always notified you before when the excise law was going to be strictly enforced? A. Not always; sometimes.

Q. Where did their interest come in; why did they violate their official duty as policemen to notify you of that fact? A. I guess, because they knew me.

Q. Only as a matter of friendship? A. That is all.

Q. They didn't have your friendship; they didn't have that friendship for you before 1891, did they? A. No; not at that time; after 1891.

Q. After 1891 they notified you always on account of friendship? A. That is right.

Q. Before that they didn't notify you, but they would arrest you? A. Yes, sir.

Peter Stastny, called as a witness on behalf of the State, being duly sworn, testified as follows:

The Chairman.—Why is it necessary to keep those other witnesses.

Mr. Goff.—That is why I rather sit a little late and get through with those men.

Mr. Nicoll.—How long does the committee propose to sit.

The Chairman.—As long as duty demands.

Mr. Nicoll.—How long will your duty demand you to sit.

The Chairman.—How long do you want to sit?

Mr. Goff.—I would like to get through with those witnesses that I have in court.

The Chairman.—How long will it take?

Mr. Goff.—I think we will get through inside of an hour.

The Chairman.—That will be half-past 5 or 6 o'clock.

Direct examination by Mr. Goff:

Q. Are you a saloon-keeper? A. No.

Q. Were you a saloon-keeper? A. I am six years out of the business.

Q. Did you ever belong to the saloon-keepers' association? A. Once.

Q. Were you treasurer? A. A very short time.

Q. That is, when it was first organized? A. Yes, sir.

Q. You were treasurer? A. Yes, sir.

Q. Do you remember collecting the money? A. Yes, sir.

Q. Do you remember collecting the money to be given to the police officer? A. No, sir; I don't know that.

Q. Don't you remember the resolution passed? A. Yes; from the beginning they collected very short, because we were very few together.

Q. And you were poor, were you not? A. Very few; we were organized by an Englishman by the name of Gaffney; he organized us, the Bohemian people who were together; and he says the protection of excise law, of Sunday law; he says it is a shame that a poor man who pays assessments and everything, he is all the time most in prison; we agreed to go together, and we had only a few dollars when I was by them, and I am the first lager-beer saloon man uptown; there were only a few shanties and I bought one of the shanties; my house was only something to pass through so I started a lager-beer saloon in my shanty; I had a license from Fifty-fourth street, No. 320, and I transferred that license and I started in there; of course, at that time I had a great deal of trouble through them loafers.

Q. What loafers? A. There was nothing but loafers there; there were no houses.

Q. They used to trouble you and annoy you? A. Yes; 1870; of course at that time I needed protection from the police, and then, of course, when the neighborhood was a little improved, of course more lager-beer saloon men came in there and more Bohemians; then I didn't want to stay back, and I was with the organization, too, but a short time.

Q. Don't you remember that the saloon-keepers paid in so much a week, and that out of the moneys there should go to the policemen so much every month for protection with regard to the opening on Sunday? A. It was not for that at that time.

Q. What was it for? A. That was to keep the money to give a few dollars when somebody is arrested on Sunday; we can be very easy; sometimes men work in a lager-beer saloon, and sometimes there is nobody there, and a policeman comes, and he is open and makes free air, and somebody arrests him right away.

Q. I only want to know, didn't you give money as treasurer; didn't you give money to Mr. Pospisal and the financial secretary every month to go and give to Campbell, the wardman? A. We hadn't money at that time, much; we had a few dollars only.

Q. Did you ever, as treasurer, give the money to the financial secretary and to Mr. Pospisal to give to the pantata? A. I don't know if it was to Campbell, but I know there was agreed that the association takes some money that was in the treasury, about \$50 or something; I don't know exactly; and that was put on a committee, and what the committee done I don't know.

Q. The money was given to the committee? A. Yes, sir.

Q. Don't you know that there was a resolution—you understand what that is? A. Yes, sir.

Q. That there was a resolution in the association that this committee should use that money for police protection for the members of the association? A. Well, it was for a protection against the police; that time I was in there it was for the lawyers, but my practice was to make everybody who is not a citizen to become a citizen and work for a law to smash the law away, because I am against the Sunday law; if we haven't that law we have not all that trouble.

Q. Who is the pantata? A. I don't know; it is something new that I heard.

Q. Is this the first time that you ever heard it? A. Yes, sir.

Q. What business are you in now? A. In English pantata is called a father-in-law.

Q. It means the head man in Bohemian, doesn't it? A. No; not exactly; father-in-law; they might give the name to somebody; we call our emperor sometimes pantata in the newspapers; the newspapers have all privilege.

By the Chairman:

Q. You call your emperor pantata? A. Yes, sir; Francis Josef; we sometimes call him pantata.

Frank Danda, called as a witness on behalf of the State, being duly sworn, testified as follows:

Matthew J. Machacek, was sworn as interpreter, to translate the witness' testimony.

Mr. Goff.—I ask that a certain man be sent out of the court-room.

Mr. Nicoll.—Wait awhile, please

Mr. Goff.—Mr. Nicoll, come, I am addressing the Senators.

The Chairman.—Go on, Mr. Goff.

Mr. Goff.—There is a man here in court, the editor of this paper, who is not here under subpoena. I have observed his actions—

Spectator.—I am here to report for the newspaper.

Mr. Goff.—Then if you are a reporter get around to the reporter's table.

Mr. Nicoll.—The only thing I wish to say is that if there is any doubt about this interpreter being able to interpret, this may says that he will interpret. I was just about telling Mr. Goff that, when, in his present excited state, he made these remarks.

Mr. Goff.—Mr. W. A. Disbar has a reputation in this city, and I do not want him near my table nor near my witnesses.

Mr. Nicoll.—You do not object to his sitting near me.

Mr. Goff.—No; if you wish such company.

Mr. Nicoll.—Then you have no objections to his sitting near me.

Mr. Goff.—I offer this gentleman as an interpreter ;

Mr. Nicoll examined the interpreter as follows:

Q. What is your business? A. Cigarmaker.

Q. Are you connected in any way with Mr. Goff in business? A. No, sir; I am not.

Q. Are you a member of the Bohemian Association? A. No, sir; I am not.

Q. Are you a Bohemian? A. I am a Bohemian, born in Bohemia.

Q. And a citizen of the United States? A. I am.

Q. Do you understand the Bohemian language? A. Very well.

Q. Can you give us a precise definition of the term pantata? A. Well, I will try my best.

Mr. Nicoll.—Very well, I think he is qualified.

Mr. Goff examined the witness as follows:

Direct examination by Mr. Goff:

Q. Mr. Danda, are you a saloon-keeper? A. (Not interpreted.) Yes, sir.

The following answers were interpreted, except where otherwise specified:

Q. Do you belong to the Bohemian Saloon-keepers' Association? A. (Not interpreted.) Not now.

Q. What is your business? A. Saloon-keeper.

Q. Were you secretary of the Bohemian Saloon-keepers' Association? A. (Not interpreted.) Yes, sir.

Q. I hand you page 18 of the recording secretary's minutes; is that your signature? A. (Not interpreted.) Yes, sir.

Q. Will you read the two lines pointed out by pencil there; is that your handwriting? A. Yes, sir.

Mr. Goff.—Mr. Interpreter, will you read those lines and translate them?

Interpreter.—“The committee reported that the money was delivered and everything is all right.”

Q. What committee was that? A. There were two members in the whole club, and they always delivered the money.

Q. Delivered the money to whom? A. (Not interpreted.) I don't know; I didn't ask.

Q. What was the money for? A. They paid the money because they were afraid they would be arrested every Sunday, and in case they were arrested, one or another member of the club, that they should hire a lawyer and pay him out of the money paid to the lodge.

Q. Didn't you know that the money that was given to this committee was given to them to give to the pantata? A. I was one of the late members, and I never asked to whom they paid the money.

Q. Don't you know that out of the moneys of the association the police were paid for protection? A. My opinion is that it is true, but I don't know myself.

Q. Wasn't that well known among the members of the association? A. When I first came to the society, I didn't know anything about it, but later I thought that the police protection was paid.

Q. I call your attention to page 26, over your signature, “Frank Danda.” A. (Not interpreted.) Yes, sir.

Q. (Pointing to three lines under lead-pencil mark.) That is your handwriting, is it not? A. Yes, sir.

Q. Those are the minutes of the meeting that you wrote out? A. Yes, sir.

Q. Will you please read those three lines and translate them? A. “The chairman reported that he paid to the pantata—that means the father-in-law—\$300 and \$198.60 is the remaining money on hand.

Q. What date is that? A. September 3, 1891.

Q. You made that writing there, did you not; what that \$300 was for? A. I don't remember.

Q. What do you understand by "pantata?" A. When I joined the society they always said pantata, and I had to say it also, and I marked that in the book, but he meant by that I don't know.

By the Chairman:

Q. Didn't you know that that word referred to the police? A. (Not interpreted.) I thought so, but I was not sure.

By Mr. Goff:

Q. I call your attention to page 31, under date of October 15, 1891, and ask you if that is not in your handwriting? A. (Not interpreted.) Yes, sir.

Q. Were you financial secretary or recording secretary? A. (Not interpreted.) I was recording secretary.

Q. I call your attention to the two lines marked in pencil on page 31 of that date; you recorded that at the meeting? A. The very same meeting I was not present there; there was another man who wrote it; there is the signature, Joseph Blitsman, who wrote it; "the treasurer reported that he paid \$175 to its purpose;" for what purpose I don't know.

By the Chairman:

Q. Do you know the purpose? A. I don't know.

Q. Do you know whether it was the same purpose that preceded the payment of the \$300 mentioned on the other page? A. I don't know; you must ask Blitsman, and he may give you a little information about it.

Q. That is the secretary pro tem.? A. Yes, sir.

By Mr. Goff:

Q. Is this your handwriting? A. (Not interpreted.) Yes, sir.

Q. On page 34? A. Yes, sir.

Q. Under date of what? A. November 19, 1891.

Q. Read the lines underscored there; translate that, please? A. "The committee reported that they have paid \$125 on proper place."

The Chairman.—He was secretary at that time?

Mr. Goff.—Yes, sir.

Q. Don't you know the place that was? A. I don't know;

maybe for that Bohemian national hall subscription; I can not tell if it was for the police or not.

Q. At the time that you recorded these various figures was nothing said as to the purpose for which that money was to be paid out? A. They always said in the meeting that they paid to pantata, so-called, so much and so much, and furthermore they never spoke about it.

Q. Then these sums that have been mentioned here as intended for a certain purpose were to be paid to the pantata? A. I think so; I don't know; I had nothing to do with the money; there was a special committee, and when there was some money to pay out the committee took the money and paid it.

Q. When these amounts were being talked about there must have been some general conversation; and in speaking about these amounts do you know whether the intention for paying them out for police protection was not mentioned? A. They never had any conversation about it; they only said so and so much gets pantata and so and so much we get, and the committee took the money and paid it.

By Mr. Goff:

Q. I call your attention to page 36, this is your handwriting, is it not? A. Yes, sir.

Q. I call your attention to these words on that line; what does it mean? A. "The treasurer reported that he paid, December 24th, \$124.60; furthermore, decided that two members shall go and be appointed as a committee, and ask from the pantata how shall we act on Sundays; if we are saved or not, and the financial secretary must tell the result to every member."

By the Chairman:

Q. Are you sure financial secretary is there? A. Financial secretary, that is.

By Mr. Goff:

Q. I call your attention to page 41, what is the date of that? A. February 25, 1892.

Q. That is your signature? A. Yes, sir.

Q. Now read the latter portion of that? A. "There was a complaint made by the member, Masha, that pantata (that means father-in-law) bothers him, and Sykora shall go over there to him and fix the whole matter."

Q. What is that; pantata? A. I don't know what it means.

Q. What is the word after pantata? A. I don't know what it is; that pantata goes after him; that he climbs on him.

By the Chairman:

Q. Annoys him? A. Annoys him; bothers him.

By Mr. Goff:

Q. And Sykora was to go—? A. Shall go over to him and fix the whole thing.

Mr. Goff.—I will not detain this witness any longer.

Cross-examination by Mr. Nicoll:

Q. Did you ever pay any money to any member of the police force in New York city? A. Never.

Matthew J. Machacek, the interpreter, was then examined as follows:

By Mr. Goff:

Q. I hand you page 12 and ask you to translate the entry marked there and sworn to by Joseph Popehak? A. It is very hard to translate this; this is very bad writing, and I don't know if I will be able to translate it the way I want; "The chairman opened the meeting, and told the members why he called the members together; it was on account of a new bill which was introduced in Albany; the bill says that all the places shall be opened from 1 o'clock in the afternoon to 1 o'clock in the morning, but not in the forenoon, and no officer can bother the keepers, because the Twenty-second Assembly district paid for said purpose \$1,000; we decided to pay \$200 for the same purpose, which shall be paid out after the bill is passed."

Q. Is that all? A. "As a committee for the same purpose was elected Mr. Joseph Pospisil and Frank Nemesicek;" the meeting was ended.

Q. Does that say the money shall only be paid after the bill was passed? A. Yes, sir.

Q. And the bill was never passed? A. Yes, sir.

Q. I call your attention to page 13a; read what is there marked off? A. "The committee reported that the money has been paid to the proper place."

Q. That is the meeting after where the \$200 is spent in? A. Yes, sir.

By Senator O'Connor:

Q. What month is that? A. The first report is March 26, 1891, and the other is May 27, 1891.

By Mr. Goff:

Q. Will you please tell the committee what the Bohemian word is —

The Chairman.—Had we not better have him sworn?

Mr. Goff.—I am asking him as an interpreter to translate the word pantata.

A. Gentlemen, I can not translate that; there is no name for pantata in the English language; but we call pantata father-in-law; I have one myself and I call him pantata; but there is another word for it; for father-in-law, and that is "tshan."

By Senator O'Connor:

Q. Don't you speak of pantata as some man in authority?

The Chairman.—Captain?

A. No, sir.

By Mr. Goff:

Q. Don't it mean the "old man;" isn't it a sort of a slang phrase? A. Yes, sir; it can not be a young man.

Q. These witnesses have been saying something about father-in-law; does it mean the old man in the law? A. It means the old man only; I don't know what they mean by it.

By the Chairman:

Q. Do you know what they mean by it in the Bohemian; what would pantata refer to in the connection which you have heard it referred to to-day? A. Well, my opinion is that they meant the captain by it; that is my opinion.

Cross examination by Mr. Nicoll:

Q. You call your father-in-law pantata? A. Yes, sir; I do.

Q. Do you call your father pantata? A. No, sir; I call my father otec.

Q. Your father is the old man, isn't he? A. Yes, sir.

Q. Why do you call one old man otec, and another old man pantata? A. One is my father and the other is my father-in-law.

Q. What do you call your mother-in-law — pantata? A. Panimana.

Q. Isn't it a fact that pantata means an old friend? A. No, sir.

Q. An old man — an old man in the law? A. It may mean old man; but if it means man in the law, I don't know.

Q. Does it mean a man learned in the law, like the Senator? A. No, sir.

Q. It doesn't mean that? A. No, sir.

Q. So, if I should call Senator O'Connor pantata, it would be a misapplication of the term, would it? A. I call pantata only for father-in-law.

Q. There is no exact equivalent in the English language, is there? A. No, sir; not for this word.

Anton Sykora, called as a witness, on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. Saloon-keeper.

Q. Where do you keep your saloon? A. Four hundred and six East Seventy-third street.

Q. How long have you been in America? A. About 17 years.

Q. Are you a member of the Bohemian Saloon-keepers Association? A. Yes; I am.

Q. Have you been a member of that association from the time it started? A. No; not exactly; but I joined it very soon afterwards.

Q. Were you ever president of that association? A. Yes; but that is too long ago.

Q. Will you state to the committee whether or not you are a member of Tammany Hall, now? A. Yes; I am.

Q. On the general committee? A. Yes; I am a captain of a district.

Q. Is that in the Twentieth Assembly district or the Twenty-second? A. I am captain of an election district, in the Twentieth Assembly district.

Q. Have you any fear in testifying here on account of your business; do you fear to testify on account of your business? A. No; not at all.

Q. Do you think the police can harm you if you testify here? A. No; I don't think they would.

Q. Are you prepared to tell the truth about the saloon-keepers association? A. Yes, sir.

Q. While Mr. Pospissil was president of the association, were you a member of the association? A. Yes, sir.

Q. Do you know why that association was formed, why it was organized? A. Well, I never had any constitution in my hand, but it was organized to protect the saloon-keepers.

Q. Wasn't that to get protection; wasn't that the object?
A. Well—

Q. We want you to answer? A. Not directly.

Q. But indirectly wasn't that one of the objects? A. Well, it was an organization that was started to protect the saloon-keepers in any way.

Q. Wasn't it started for the purpose of securing police protection? A. No; not that I know; I was not the starter of the organization.

Q. Did you know, after you joined it, that that was one of the objects of the association? A. I didn't ask the object of the association when I joined it.

Q. Didn't you understand the object of the association? A. No; no one explained it to me.

Q. Didn't you know that the association was paying in money for the purpose of securing police protection? A. No, sir; not by starting; I heard something, but I don't know what was true.

Q. After you became a member, didn't you know that the association was collecting money into its treasury for the purpose of paying so much a month to the police; isn't that a fact? A. Well, I had nothing to do with the money; I was only the president.

Q. I don't say you had; isn't it a fact that every member of that association knew that they were paying money every week into the treasury for the purpose of that money being taken and given to the wardman of that precinct.

Mr. Nicoll.—He asks him whether it is not a fact that every member of the association knew that. This witness is only able to tell what he knew.

The Chairman.—He may have a very close, intimate acquaintance with the 30 members of the small organization like this.

By the Chairman:

Q. Do you know whether they knew it or not? A. Well, we paid so and so much a week to cover all expenses of all members of the association.

By Mr. Goff:

Q. Wasn't it part of the expenses of the association to pay the police, so that they would not interfere with them for opening on Sunday? A. I couldn't tell.

Q. Don't you know it is a fact? A. Well, maybe it was so, but I can not tell.

Q. Don't you know it as a fact? A. Well, maybe it was so, but I can not tell.

Q. Don't you know that the money was given to a committee of two, the president, Mr. Pospissil, the secretary, to go and deliver it every month to the wardman? A. No; not to my knowledge; I was not present when anybody gave them the money.

Q. Didn't you hear it reported; I don't ask you if you were present when the money was given, but didn't you hear it reported at the meetings that they were instructed to give the money to the wardman? A. Well, I heard something; but I can not tell whether it is so or not.

Q. Tell us what you heard? A. Some people said so, but I can not tell whether it is so or not.

Q. Tell us what you heard? A. Some people said so, but I can not swear to it.

Q. Said so in the meeting? A. No; I heard it outside.

Q. Among the members? A. Among the people.

Q. Among the members of the association? A. No; I can not recollect any more.

Q. Don't you know that the president—

The Chairman.—So far as any testimony you want to adduce is concerned, isn't it better that it should be so well known that people outside of the organization spoke to a member of the organization about it.

Mr. Goff.—I think your suggestion is good.

Q. Then, you heard it talked of outside of the members of the association that the Bohemian Saloon-keepers' Association was paying the police? A. Well, I never paid any attention what outsiders spoke.

Q. Didn't you hear it? A. Well, I heard many things.

Q. Didn't you hear that? A. Sometimes they are untrue.

Q. Whether it is untrue or not, didn't you hear it?

Senator Pound.—Yes, or no.

By the Chairman:

Q. Didn't you hear that the money was being used for that purpose? A. I heard it; yes.

By Mr. Goff:

Q. Do you know how much money was used every month for that purpose? A. No; I don't think they collected the same amount every month, because sometimes they arrested members.

Q. Do you know how much was paid; about how much; was a \$100 paid? A. No; I don't know.

Q. Was \$125 paid? A. I couldn't tell.

Q. Did you ever hear the president report how much money he had paid? A. Maybe I did, but I forget it.

Q. You have forgotten it? A. Because I didn't go to no meetings the last nine months.

Q. I am not talking about nine months, but I am talking of the first time when Pospissil was president, the first time, before he went to Europe, 1891? A. I don't know.

By the Chairman:

Q. How much did you hear had been paid for that purpose nine months ago? A. Well, I am positive that as soon as this captain was in the precinct that the association didn't pay anything.

By Mr. Goff:

Q. Under the former captain? A. Maybe they did pay before; I couldn't tell.

Q. Do you remember the last amount they paid? A. No; I couldn't swear to that.

Q. How big it was; was it \$100 or \$125? A. I couldn't tell.

Q. How long ago was it when the change of captains was made? A. That is over two years ago.

Q. Two years ago? A. Over two years ago.

Q. And the last time you heard of money being paid was just before the change of captains? A. I couldn't say nothing about the captain; maybe it was to the wardman, but not to the captain.

Q. You fix the time, the last time you heard money was paid, as the time when the captain was changed; you fix the fact of the last payment of money by the time when the captains were changed, do you? A. As much as I know this captain, Mr. Strauss, never accepted a cent.

Q. And the last you heard of money being paid was when? A. Sam. Campbell; I heard that he got some money; that is all.

Q. That was the detective under Captain Gunner? A. Campbell and Martin.

Q. You became president of that association, did you not? A. Yes, sir.

Q. How many Bohemians are in this city, can you tell us? A. I think, about 60,000.

Q. How many Bohemian voters, do you know, are in your Assembly district; you are captain of an election district; how many Bohemian voters are in your Assembly district? A. I think about 1,400.

Q. I suppose they are all good Tammany Hall men? A No; I don't think.

Q. The majority of them? A. I think the majority vote the Democratic ticket; yes.

Q. The Bohemians up there are generally poor people? A. Yes; most of them are poor.

Q. Are there any Bohemian houses of prostitution? A. Not as I know.

Q. Are there any in the city, so far as you know, among your people? A. Not as I know of.

Q. All a hard-working people? A. Well, most Bohemians are mechanics and small business men.

Q. Segarmakers; many of them in the segar business, are they not? A. Cigarmakers, tailors, carpenters, stonecutters and so on.

Q. These saloons that are kept by the Bohemians, they are small saloons, are they not? A. Some are large enough, but they do a small business.

Q. They are mostly beer saloons? A. Mostly beer saloons; yes.

Mr. Goff.—I want you to understand that you are under oath, and that you have got to answer my questions and answer them truthfully. Do you understand that?

Mr. Nicoll.—I object to his intimidating this witness.

Witness.—I understand.

By the Chairman:

Q. You understand that if you say anything false on the stand here it is perjury, and it is just as much perjury as though you were testifying before a Supreme Court judge; on the other hand, if you testify to the fact, and the fact was that you did bribe or give a bribe, you are absolutely protected by the law against any punishment for that; your confession here, if it has been done, is an absolute bar against any indictment or prosecution against you; you understand that, don't you? A. I understand; yes.

By Mr. Goff:

Q. When you were president of that association, didn't you pay money to the police; now, answer my question right away, and don't hesitate about it? A. No; I didn't pay any money to the police.

Q. Did you hand any money to the police? A. Well, I never had anything to do with the money.

Q. Didn't you see the money handed to the police? A. No; I only heard it.

Q. Didn't you see it? A. I never saw it.

Q. Weren't with anyone who handed money to the police? A. Well, I can not recollect any more.

Q. You will have to recollect; let us see? A. I know some money was given Campbell.

Q. Now, let Campbell go; weren't you president of that association when Captain Schmittberger was there? A. Well, a man was in my place once, and he introduced himself that he is the man in Campbell's place.

Q. You remember when Campbell was removed, don't you? A. Yes; but I found it out about two weeks after.

Q. Didn't Campbell go to you and demand money after his removal? A. Well, he told us once that he ought to get something.

Q. Ought to get something for what? A. For his good treatment.

Q. For his good treatment of the saloon-keepers? A. Of the association.

Q. Had he been removed from the precinct at that time? A. About that time; yes.

Q. Did you give him any money? A. No.

Q. What did you do when he went to you? A. I told him I can not do nothing for him.

Q. Had you paid money to him before that? A. Well, I didn't pay him.

Q. Did anyone pay him in your presence? A. In my presence, no; but I heard the story went on that he received some money.

Q. Why did he go to you for money, if you had never paid him money before? A. Well, I was the chairman that time, and he came to me and told me that he ought to get something.

Q. Didn't you see some one hand him an envelope before he went to you? A. I can not recollect.

Q. Now, try and refresh your memory; did you hear Pospissil's testimony, to-day? A. Part of it.

Q. Did you hear him testify that he went there with the financial secretary to his house and gave him an envelope with money in it?

The Chairman.—You heard him say that? A. I heard that; yes.

Q. Didn't you go there with the financial secretary when you were president and give him money, also? A. No, sir.

Q. Did you go there yourself? A. I was there once myself.

Q. What were you there for? A. That was a different case altogether.

Q. Tell us what you were there for? A. There was some Bohemian fair, and a benefit for a Bohemian school, and I went in Campbell's house, and told him not to bother them people there.

Q. How much did you give him when you asked him not to bother the people? A. I didn't give him anything; I promised him only that he would get something; he asked me how much it was worth, and I said, "You will get something off the committee;" I don't know —

By the Chairman:

Q. You said that you had never paid any money to Campbell, but to another man; was it the other man that came after Campbell that you paid it to? A. There was a man came into my place once, and he introduced himself to me as a ward detective; he said he was in Campbell's place.

Q. What did you do with him? A. The first time I didn't do anything with him.

Q. And the next time? A. I sent him, I think, to our treasurer.

Q. Your treasurer was authorized to settle these little differences with the police by the association? A. I think he gave him something every month, but I don't know how much.

Q. You know that the association turned over the moneys to him, don't you; he got all the moneys? A. I don't know; maybe he got some.

Q. You know that he used the moneys for the purpose of securing police protection, don't you? A. That was told to us.

Q. He told it, didn't he; he told you what he did with the money, didn't he? A. Well, he wanted money off me, and that was all.

Q. And he told you the purpose for which it was going to be used? A. As long as he told me he was in Campbell's place I knew.

Q. How much money was paid to him, do you know? A. I can not exactly remember.

Q. How many times, do you know? A. I couldn't tell exactly that either.

Q. More than five times? A. Five or six times.

Q. Don't you know approximately the amount that was given him? A. No.

Q. About the amount? A. No.

Q. About the same amount that was given to Campbell each time? A. I couldn't tell how big was the amount.

Q. From the treasurer's reports that were made to you, were the amounts which were given to this wardman, who came after

Campbell, about the same amount that was given to Campbell?
A. Yes; to my idea.

Q. I want to ask you about the Bohemian fair; what was this fair for? A. Well, the benefit was for Bohemian free school.

Q. To benefit the Bohemian free school? A. Yes, sir.

Q. Where was the fair held? A. Somewheres on the boulevard; I was not there.

Q. In some saloon? A. Yes, sir.

Q. Some little hall in the back of the saloon? A. Yes, sir.

Q. This fair was gotten up by the Bohemian people of the neighborhood for their own school to teach the children their language? A. Yes, sir.

Q. After you decided to get up that fair, you were told to go to the police and make arrangements, were you not? A. I was told directly to go to Campbell.

Q. Who told you to go to Campbell, the association? A. No; some members; I forget their names.

Q. You knew that you were to go there as president of the association, did you not? A. I don't know whether I was president at that time; I couldn't tell.

Q. You went there to get police protection for that little fair which was held for the benefit of the Bohemian free school; isn't that the fact? A. Something like it.

Q. And the policeman, Campbell, asked you how much it would be worth? A. Yes.

Q. And you told him that the committee would make that right with him? A. Yes.

Q. Now, I want to ask about this fair; what was it selling, little articles? A. They were selling small articles.

Q. Very poor people around that neighborhood? A. Anything they could collect from the business men in the neighborhood.

The Chairman.—I suppose they had a little lottery, or something like that.

Q. Did they have a little lottery? A. Yes, sir.

Q. Chances? A. Yes, sir.

Q. And you had to pay the police to let those chances go on? A. Yes, sir.

By Mr. Goff:

Q. Do you know, did Campbell ever receive any money from the committee on account of this fair? A. I think he did, but I can not swear to it.

Q. Let us get at your knowledge; why do you know; why do you think? A. Because he never came to me and complained

that he didn't get that; if he didn't get it, probably he would call on me and tell me about it.

Q. Did you ever hear it talked about among the members afterward? A. No, sir.

Q. Did you know of the business affairs of the fair being settled up; didn't you hear the business talked about and it reported how much had been collected? A. Yes; I knew the full amount at the time.

Q. Wasn't there something said about the money that had been paid to the police? A. I don't know nothing about it; I couldn't tell.

Q. Who paid the money? A. I couldn't tell you.

Q. Who ran the committee? A. There were about 30 men on the committee.

Q. Who was the chairman of the committee? A. That I forget, who was the chairman.

Q. Who was treasurer of that committee? A. I don't know either; I think a man by the name of Blixman, but I can not tell.

Q. Blixman? A. I ain't sure of it.

Q. What was the wardman's name that came after Campbell? A. I can not tell his name; I can not recollect.

Q. Do you think you could recognize it if I told you; was it Gannon? A. Yes; I think it was.

Q. He was wardman for Captain Schmittberger, wasn't he? A. I don't know nothing about Schmittberger.

Q. But Captain Schmittberger was in that precinct at the time, wasn't he? A. Well, I know he was in the precinct once, but I don't know exactly when.

Q. He was there when Gannon went to you as wardman, wasn't he? A. I couldn't tell.

Q. What year was that when Gannon went to you? A. It must have been about 1892; 1891 or 1892.

Q. After Gannon went to you, don't you know that he was paid every month from your saloon-keepers' association? A. Well, I soon received from the association —

Q. Never mind when you received; don't you know that he was paid every month by your association? A. I ain't sure; I think he was getting something.

Q. Didn't you know that he was getting \$175 a month? A. No; I couldn't tell.

Q. We will refresh your memory; didn't Gannon demand the back money from you after Campbell left; didn't he demand the arrears from you? A. Yes.

Q. How much was the arrears? A. I couldn't recollect.

Q. Didn't he say \$250? A. No; he asked how much we were paying to Campbell.

the words? A. Well, I told you he demanded more money of me.

Q. What did you tell him? A. I told him some amount.

Q. What amount? A. I couldn't tell.

By the Chairman:

Q. What did you tell him? A. My head is not a memorandum book; I can not tell.

Q. Do you remember what amount you named to Gannon as having paid Campbell? A. I never paid Campbell myself.

Q. As having been paid to Campbell? A. You must go by Mr. Pospissil's testimony.

Q. One hundred and twenty-five dollars a month? A. Probably he mentioned the same amount; I don't know.

By Mr. Goff:

Q. You may forget that you are under oath; didn't you pay Gannon, \$250? A. No; not as I know of; I can not remember.

Q. Will you swear that you didn't pay Gannon \$200? A. Well, I will swear that I don't know the amount.

Q. You did pay him some money? A. I admit that; yes; not myself.

The Chairman.—The witness has testified that Gannon was paid five or six times.

Mr. Goff.—I want to get to this particular transaction.

Q. Didn't you know that Gannon said that the captain demanded some money, because there were more members in your association; don't you remember that; didn't Gannon tell you that Captain Schmittberger would have to get more money because there were more members in your association? A. No; I can not recollect.

Q. Will you swear he didn't tell you that the captain demanded more money? A. How could I remember what he told me two years ago.

Q. Will you swear that Gannon didn't say to you that the captain demanded more money than you had been paying because there were more members in your association; now, isn't that the truth? A. I can not tell.

Q. Will you deny it?

By the Chairman:

Q. Will you swear that he didn't say so? A. Well, I can not tell what he told me two years ago.

Q. Don't you remember it at all? A. I know we had some conversation about it; that is all.

Q. Was that, substantially, the conversation you had, without the words? A. Well, I told you he demanded more money of me.

Q. Didn't you, as matter of fact, at that time, pay him \$200?
A. The books will show what I done.

Q. Now, as matter of fact, you remember that you did it; didn't you? A. I couldn't swear he told me that.

By Mr. Goff:

Q. Did you not pay him the \$200? A. Do you mean the association, or do you mean me?

Q. Well, you, for the association? A. Maybe the association paid him some money.

Q. Didn't you hand over the money to him in an envelope? A. Not as I recollect.

Q. Will you swear you didn't? A. Well, I know money was paid to him.

Q. Didn't you hand the envelope containing \$200 over to him?
A. The money always come from our treasury.

Q. And you handed the envelope over to him; isn't that so?

By the Chairman:

Q. Or saw it handed over to him? A. Maybe I did; I don't know.

Q. You saw it; whether you did or not, you saw it done? A. I know it was done.

By Mr. Goff:

Q. Now, I want to ask you while we are on that line if you ever paid money in the station-house? A. No, sir.

Q. Did you ever pay money to the captain of that precinct?
A. No; never.

Q. Did you ever go to see Captain Schmittberger? A. No; not in the station-house.

Q. Did you see him at any place else? A. I met him in some place; I met him in the ball several times and so on.

Q. Don't you remember that Gannon was away there for a long time on his vacation; don't you remember that Gannon was away on his vacation? A. No, sir.

Q. Don't you remember that when he was away you went and saw the captain? A. No; not as I know.

Q. Will you swear you didn't? A. Yes; I don't think I saw him.

Q. Will you swear you didn't see the captain? A. Oh, I did see him, certainly.

Q. Didn't you see him and talk with him about your association; now, Mr. Sykora—

Mr. Nicoll.—Give the man a chance.

Mr. Goff.—He is having all the chance he needs.

Mr. Nicoll.—Let him answer one question before you put the next.

Mr. Goff.—You know you are under oath, Mr. Sykora.

Mr. Nicoll.—He has been told that before.

A. I never saw the captain in the precinct, to my knowledge.

Q. You never saw Captain Schmittberger to your knowledge?

A. I saw him—

Q. Did you ever see Captain Schmittberger anywhere in connection with the saloon-keeper's association? A. As far as I know I met him at the ball at the Central Turn Verein, and I met him—

Q. Did you ever talk with him about the saloon-keepers' association? A. I don't think I did.

Q. Did you ever hand any money to him? A. No, sir.

Q. Did you ever see any money handed to him? A. No, sir.

Q. Did you ever call at the station-house in Gannon's absence?

A. I don't know anything about Gannon's absence.

Q. Did you ever see any money handed to any police officer in your precinct, but Gannon? A. No, sir.

By the Chairman:

Q. You understand what this committee is here for, don't you?

A. Yes, sir.

Q. We are here to reach facts upon which to frame legislation for the purpose of preventing the police of this city from levying blackmail upon anybody in the community; now, it is in the interest of every resident of this city to give testimony that will enable proper measures to be passed, and it is in pursuance of that that you are on the stand now; there can not be any harm, if you tell the truth, but there can be if you do not tell the truth? A. I know that, but I can not recollect when I was speaking to Captain Schmittberger about the association business; never.

By Mr. Goff:

Q. Did you ever go to a politician to go with you to Captain Schmittberger? A. No.

Q. What? A. No.

Q. You mean to say you never went to the leader of your district? A. No, sir; I met the leader once, and we were speaking

about the saloon business, and he told me not to pay the police at all, and he told me I should tell all my friends not to pay anything.

Q. Who was that leader? A. That was Mr. Tom Dunn.

Q. Do you know Mr. Delmour? A. Yes.

Q. Did you ever talk to Mr. Lawrence Delmour about the police assessments? A. No.

Q. Never said a word to him? A. No; when he was the leader I was in Europe, and when I came back the district was divided, and our new leader was Mr. Tom Dunn.

Q. When Mr. Delmour was leader, weren't you connected with that association? A. When he was elected a leader?

Q. Yes. A. No, sir; I was not there; I was in Europe.

Q. Didn't you go to the station-house with him at one time? A. With who?

Q. With Mr. Delmour. A. No.

Q. Never? A. No.

Q. Did you go there with any leader or with any politician to try and get the captain to reduce the police assessments on your association? A. No.

Q. You are sure of that? A. I am sure of that.

Q. Are you clear about it? A. I don't think that any leader, if he even would go, would take me along.

Q. Will you swear that you never went to the police station with any political leader for the purpose of getting the captain to let up upon the association? A. Yes; I think I can swear to it.

Q. Have you any doubt about it? A. Well, I don't know anything about it.

Q. Did you ever go to the station-house with the leader that I spoke of, or with any leader, for that purpose? A. No; not as I know.

By the Chairman:

Q. Either Delmour or Dunn or anybody else? A. No; the first time I met Dunn, and I was speaking to him about the Bohemian Saloon-keepers' Association, he told me not to pay to no police a cent.

Q. Did you tell him that you had been paying the police? A. I told him only that some people are complaining about it, and he told me that I shall tell all my friends that they shall not pay the police a cent.

By Mr. Goff:

Q. Mr. Dunn told you that? A. Yes, sir.

Q. Did you pay the police after that? A. No, sir; not a cent.

Q. Did they ask you? A. No; they didn't ask me.

Q. Did they ask the association? A. I don't think they did; because we reduced the dues from 75 cents a week to 50 cents a month.

Q. After you stopped paying the police you reduced the dues from 75 cents a week to 50 cents a month; is that so? A. No; I don't know when that was done, but I know it was done once.

Q. And the 70 cents a week was paid as dues, because you had to pay the police, isn't that a fact? A. Well, I told you about Campbell, didn't I?

Q. Yes; I am asking you now if the 75 cents a week was not paid because the police had to be paid by the association? A. Well, that was the time Campbell was in the district.

Q. It was also when Gannon was there? A. Gannon was there only a short time.

Q. When he was there he collected the money, didn't he? A. Well, he got some, I think.

Q. Did you ever leave an envelope containing money in the captain's house, in the station-house? A. No, sir.

Q. For Gannon? A. No, sir.

Q. Or for anyone else? A. No, sir.

Q. Who accompanied you to the station-house when you went there? A. I didn't go there.

Q. I understood you to say a little while ago that you did go there? A. No; I think you are mistaken.

Q. Did you go there? A. Yes; when I was arrested, I had to go there.

Q. Outside of the time you were arrested, didn't you go there? A. No, sir.

Q. Didn't you go some place to meet Gannon? A. When Gannon wanted to see me, he always called at my place.

Q. Was it there where the money was paid? A. No; he went to see another man, probably, about that.

Q. Who was the other man he went to see about it? A. Our treasurer.

Q. What was his name? A. I think his name was Joe Vopelak; he was financial secretary; I don't know what he was; he was getting the money from the collector.

Q. Who was the collector? A. Anton Linhardt.

Q. Have you been speaking with anyone since you have been served with this subpoena? A. What do you mean, since last night?

Q. Talking with anyone since you have been served? A. I was talking with our chairman, Mr. Pospissal.

Q. Did you talk with him to-day after he gave his testimony?

A. No; I was speaking with him yesterday; I asked him whether he got the same?

Q. You buy tickets for the Lenox Hill chowder, do you not?

A. Well, I bought one, because I am a member of it.

Q. Did you buy more than one ticket? A. No; only one.

Q. That was \$5, was it not? A. Five dollars.

Q. Will you swear that Gannon didn't receive \$175 a month while he was in that precinct from your association? A. I will not swear to anything.

Q. Will you deny that he got \$175 a month from your association? A. Maybe he got that much; I can not tell.

Q. Will you swear that, to your knowledge, the captain of that precinct never received a dollar from your association; will you swear that? A. I wouldn't swear to it, but I don't know anything about it; I couldn't swear that he did.

Q. Will you swear that he didn't, so far as you know? A. So far as I know?

Q. Yes? A. Captain Strauss?

Q. That he never received a dollar? A. I doubt it very much.

Q. Why do you doubt it? A. Because I never heard anything about it.

Q. If you know that he didn't receive money, why do you say you doubt it? A. Because I met his wardman Phil. Weller.

Q. What did he tell you? A. That this new captain never will take any money off of saloon-keepers.

Q. I am talking about Captain Schmittberger? A. Captain Schmittberger was only about four months in our precinct.

Q. Will you swear that he never received any money from your saloon-keepers' association while he was in the precinct?

Mr. Nicoll.—To your knowledge.

Mr. Goff.—I object to Mr. Nicoll framing any questions.

The Chairman.—You have a right to ask that question on cross-examination.

Mr. Nicoll.—He is trying to make this witness testify to something not of his own knowledge.

Mr. Goff.—I object to Mr. Nicoll's coming in with an objection to give the witness time and to give the witness a suggestion.

The Witness.—What do you want to know.

Q. Have you heard what Mr. Nicoll said? A. Yes, sir; I did.

Q. Is that a pointer to you? A. Well, I don't want no points; I wouldn't swear to it.

The Chairman.—I think the witness means to tell the truth. It is sometimes pretty hard—

The Witness.—I never done any dealings with him, and I

can not tell whether he did or not. If somebody paid him, I don't know that.

Q. Wasn't it reported in the committee—

Mr. Nicoll.—I object to this as the grossest hearsay.

Q. Wasn't it reported in the association, by the committee, that they had paid the captain the usual monthly money? A. No; they never mentioned the captain.

Q. Whom did they mention? A. The wardman.

Cross-examination by Mr. Nicoll:

Q. When were you president of the association? A. I was president in 1891 and 1892; in 1892, in April, I resigned.

Q. Were you president all of 1891? A. No; only about five or six months; from July, 1891, to about April, 1892.

Q. That was when Mr. — A. When Mr. Pospissil left for Europe.

Q. Did you ever pay any money to any police captain or any ward detective yourself in the city of New York? A. I didn't pay any money to a police captain, and myself I never paid no wardman; but I was only told the association did, to the wardman, but not to the captain.

Q. I am speaking of you; with your hands, did you ever do it? A. No; not to the captain.

Q. Did you pay to any wardman? A. Maybe I did; I can not recollect; I don't know.

Q. You can not recollect? A. No.

Q. How long have you known Captain Strauss? A. Captain Strauss I know, since I came back from Europe; that is about a year and eight months ago.

Q. Did you ever pay any money to Captain Strauss? A. Never.

Q. Or Captain Schmittberger? A. Not to him either.

Q. Did you ever pay any money to Captain Schmittberger? A. No; not as I know.

Q. Did you ever pay any money to Captain Gunner? A. No, sir; I saw him only once in my life.

Q. When was Campbell transferred from that precinct? A. I think it was after January, 1892.

Q. To what precinct was he transferred? A. I think he resigned from the force.

Q. Who succeeded him? A. Well, a man by the name of Gannon; I think his name was that; I am not sure; I forgot his name, but I think it is Gannon.

Q. Who succeeded him? A. I don't know who succeeded him, because I was not here that time.

Q. You don't know who succeeded him? A. I don't know.

Q. Was Gannon a member of the Ivy Club? A. No; Campbell, I think, was.

Q. Campbell was a member of the Ivy Club? A. Yes, sir.

Q. Didn't the association contribute to the Ivy Club? A. What say.

Q. Didn't the association contribute to the Ivy Club? A. No.

Q. What? A. Not as I know.

Q. There was not any money paid to Campbell as a contribution for the Ivy Club? A. I think all the money that Campbell got he kept.

Q. Didn't turn it over to the Ivy Club? A. No; I doubt it very much.

Q. Did you give him any money? A. To Campbell.

Q. Yes? A. The association did.

Q. I am speaking of you personally? A. I, personally; no, sir.

By Mr. Goff:

Q. Isn't it a fact that every time one of your Bohemian saloon-keepers want to have a little ball, of some association, that the police have to be paid; now, isn't that a fact? A. Well, I never paid.

Q. I am not asking you that.

Mr. Nicoll.—I think he ought to specify.

By the Chairman:

Q. Isn't that the general custom? A. Not at present; they did do it when Campbell was almighty in the district, but not the present time.

Q. Not the present time? A. Because I am sure that this Captain don't take any money from the people.

By Mr. Goff:

Q. But they have been paying right along for these little balls that they had in those saloons? A. Well, I have a hall like that, but I never pay anything.

Q. You are a Tammany Hall captain? A. I don't think that has anything to do with it.

Q. You have political pull? A. The police don't pay any attention to it.

Q. Isn't it a fact known to all the Bohemian saloon-keepers all through the district that every time they give a little ball

or party back of their saloons, that they have to pay the police; isn't that the fact? A. Well, I couldn't say it is a fact; I heard something like it, but that is all.

Q. Isn't it known all over by the saloon-keepers of the district?

The Chairman.—Is that the general reputation?

Mr. Nicoll.—Will you entertain an objection?

The Chairman.—The objection is overruled.

A. I can not answer for the public; I can answer only for myself.

By Mr. Goff:

Q. Didn't you hear it spoken of? A. Yes; but that is three or four years ago.

By the Chairman:

Q. Have you secured protection as the result of political influence instead of money contributions? A. No, sir; not to my knowledge.

Q. Isn't that the fact, that instead of paying money now, you use political influence to gain the same result? A. Well, some saloon-keepers vote with the Republican party, and some vote with Tammany; I think they are protected just the same.

By Mr. Goff:

Q. Isn't it a fact that since Mr. Dunn told you not to pay any money to the police that you were supporting the Tammany ticket and not to pay any money to the police; isn't that the fact? A. Well, it is the saloon-keepers' interest to stick to a man like that.

Q. So, instead of paying money to the police, do you now support Tom Dunn in Tammany Hall? A. I would myself, always.

Q. Isn't that what the saloon-keepers do instead of paying money to the police—they support Tammany Hall? A. I couldn't answer for the other saloon-keepers.

Q. Don't you know that as a fact? A. Well, I suppose if some other party would give us the same protection, we would work for that party, too.

Q. You do work for and support Tammany Hall for protection? A. I support Tammany Hall because I am a member of it.

Q. You are a member of it, because you get protected; isn't that the fact? A. I was a member of it, before I was a saloon-keeper.

Q. You have got protection since you have been a saloon-

keeper from Tammany Hall; isn't that so? A. What do you mean by protection?

Q. Well, that you are not annoyed by the police on Sundays?

A. Well, if there was a strict Sunday, I was closed the same as everybody else.

Q. But you don't close? A. Partly, we do.

Q. As far as the chain will let the door open? A. Well, I suppose you know beer is sold every place in New York on Sunday.

Q. You got a circular last Sunday not to open, did you not; you saw that circular here to-day, did you not, by Mr. Pospissil; didn't you see the circular? A. When?

The Chairman.—I do not think I would pursue that. We have got all those questions in, and we understand it perfectly.

Mr. Goff.—I want to ask him one question in connection with that.

Q. Did you read this circular last Sunday? A. I think I did.

Q. You knew who sent it—Mr. Pospissil? A. That is his name here.

Q. Doesn't that circular tell you that the captain says that you must not open the next day? A. No; not directly.

Q. Well, indirectly? A. Well, that is a word that could be used in many different ways.

Q. What word is that?

Senator Pound.—You know how it is used there?

Mr. Goff.—How is it used there?

Witness.—I couldn't tell.

By the Chairman:

Q. When you received that circular, what did you understand to be the meaning of that word? A. Well, I could think what I pleased, but I didn't know whether the man that wrote it meant the same.

By Mr. Goff:

Q. What did you think? A. I think the president must have known it.

Q. What did you think? A. This word means the head man in the family.

Q. What word? A. Pantata.

Q. Don't you know that that meant that the captain had said that you must close up next Sunday; isn't that the meaning, that you took from that circular? A. All I understood by it is, that we must be careful on Sunday.

Q. Didn't you know that the word "pantafa" meant that the captain said you should close up on Sunday? A. Well, this word don't say it plainly.

Q. Didn't you understand it to mean that? A. I don't know what I understood.

Q. Do you think that, being under oath, it is a light matter for you to laugh over? A. No; but I can't tell what Mr. Possill meant.

By the Chairman:

Q. What do you consider that he meant; don't you know that, so far as you are concerned, that the captain ordered you to close up on Sunday? A. No; that must not be the captain; it could be some other policeman.

Q. Didn't it mean the head policeman? A. Head policeman?

Q. Head man? A. Well, not exactly.

Mr. Goff.—That will do.

The Chairman.—You are through now for the day, are you not, Mr. Goff?

Mr. Goff.—Yes; I am glad to announce the fact. Will you order the witness to return on Tuesday?

The Chairman.—All witnesses subpoenaed for to-day, excepting those who have been examined, will appear here Tuesday morning at 10.30 o'clock, to which time this committee stands adjourned.

Proceedings of the twenty-eighth meeting of the committee, to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the Superior Court in the County Courthouse in the city of New York, Tuesday, June 19, 1894, at 10.30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Jacob A. Cantor, Daniel Bradley, George W. Robertson, and Cuthbert W. Pound; John W. Goff, Travers Jerome and Frank Moss, of counsel for the committee; Erastus S. Ransom, counsel for the police board.

Chairman Lexow.—Call your witness, Mr. Moss; we will not wait for Mr. Goff.

Mr. Moss.—We desire to read in evidence certain reports concerning the Fourteenth and Eleventh precincts, about which we have had some testimony before the committee. These reports are produced from the police headquarters, and are mainly the reports of the captains of those two precincts,

together with the communication from the Society for the Prevention of Crime and the reports of the officials thereon. The evidence thus far has applied mainly to the detectives and the captains in this precinct, but by these notices and the communications of the Society for the Prevention of Crime, notice was conveyed to higher officials, and their attitude is shown by their reports.

Mr. Ransom.—Are those the original reports.

Mr. Moss.—These are the original official reports: Police department of the city of New York. No. 300 Mulberry street. Precinct No. 14. New York, April 1, 1892. Thomas Byrnes, acting superintendent of police:

Sir.—In compliance with Rule 64, relative to houses of prostitution, assignation, suspicious places, gambling-houses, etc., I hereby transmit the following report for the quarter ending March 31, 1892.

Respectfully,

JOHN H. McCULLOUGH,

Captain Fourteenth Precinct.

The following are said to be policy-shops, and I first read the proprietor's name, and then the owner's name:

No. 855 Bowery, poolroom, Gus Tuthill, C. P. Adirance.

No. 109 East Thirteenth street, pool room, Mahoney & Co., Ed. Kearney.

No. 140 East Fourteenth street, pool room, M. Murray, M. Murray.

No. 144 East Fourteenth street, pool room, P. J. Murphy, H. Bostick.

No. 94 East Houston street, policy shop, George Prince, H. Cooper.

No. 138 East Houston street, policy shop, George Walker, Charles Kess.

No. 71 Seventh street, policy shop, Mary Smith, M. Masters.

No. 180 East Third street, policy shop, M. Berghard, Jno. Kulsheimer.

No. 189 East Fourth street, policy shop, Henry Krug, Phil Schweinfurth.

No. 238 East Fourth street, policy shop, Charles Ball, John Schultz.

No. 419 East Fifth street, policy shop, Henry Bridenbock, August Gickscher.

No. 337 East Tenth street, policy shop, David Falheimer, Charles Ronno.

No. 525 East Thirteenth street, policy shop, John Kiernan, John Fagan.

No. 94 Third avenue, policy shop, Mary Gray, M. Brown.

The next list is entitled furnished rooms for prostitutes, and I will give the same order of proprietor and owner.

No. 11 First street, A. Markus, Leopold May.

No. 13 First street, J. Hartz, W. A. Mayer.

No. 5 Second street, H. Witroch, W. Faulkner.

No. 9 Second street, John Fess, W. Faulkner.

No. 11 Second street, M. Strauss, W. Faulkner.

No. 13 Second street, E. Hessmar, W. Faulkner.

No. 15 Second street, M. Strauss, W. Faulkner.

No. 19 Second street, Maria Lander, W. Faulkner.

No. 21 Second street, Henrietta Krage, W. Faulkner.

No. 52 Second street, C. Mittner, W. Faulkner.

The next are houses of assignation:

No. 131 East Thirteenth street, George Williams, George Williams.

No. 138 East Thirteenth street, Sara Taylor, G. Johnson.

No. 138 East Thirteenth street, Lena Schmitt, L. Schmitt.

No. 140 East Thirteenth street, Marion Mayer, James Carr.

No. 104 East Eleventh street, Fanny Lang, Fanny.

That is the end of that report. The next one is headed in the same way and is dated July 1, 1892, and purports to be the report for the quarter ending June 30, 1892. In reading it, I call your honors' attention to the fact that no houses of prostitution or assignation, appear on this report.

No. 109 East Thirteenth street, pool room, Mahoney & Co., E. Kennelly.

No. 116 East Fourteenth street, pool room, Gus Tuthill, F. Grote & Co.

No. 114 East Fourteenth street, pool room, Newton & Co., F. Grote & Co.

No. 140 East Fourteenth street, pool room, M. Murray, M. Murray.

No. 144 East Fourteenth street, pool room, P. J. Murphy, Homer Bostwick.

No. 279 Bowery, pool room, Howard & Co., John Semmel.

No. 189 East Fourteenth street, policy shop, Henry Krug, P. Schwenforth.

No. 238 East Fourth street, policy shop, Charles Ball, John Schultze.

No. 525 East Thirteenth street, policy shop, John Kiernan, John Fagan.

Yours honors will notice, as I stated, that there are no houses of prostitution mentioned upon this report, made by Captain

Michael Doharty, of the Fourteenth precinct, and I shall offer to your honors in explanation of that at the proper time, a presentment of the grand jury, dated March 31, 1892, under which attention was called to the fact that when the superintendent of police received notice from captains or other police officers, of houses of prostitution, he had the power to issue his own warrant to close them up. This fact was brought out plainly in the presentment of that grand jury, and, as the result, almost immediately the reports of the captains, made regularly to the superintendent, after that time, omitted all houses of ill fame, and said there were none in their precincts.

The next report is October 1, 1892, and is signed by Michael Doharty, as was the previous report, and states: Gambling-houses, none; lottery offices, none; bunco places, none; opium joints, none; houses of assignation, none; furnished rooms, houses for prostitution, none; policy shops, none. Commission pool rooms are the same as were mentioned in the last report.

The next report is dated January 1, 1893, and signed Captain Michael Doharty: Gambling-houses, none; lottery offices, none; policy shops, none; bunco places, none; opium joints, none; houses of assignation, none; furnished room, apparently none; houses of prostitution. And there does not appear to be any pool rooms upon that report at all.

The next report is dated April 3, 1893, for the quarter ending March 31, 1893. Gambling-houses, none; lottery offices, none; policy shops, none; bunco places, none; opium joints, none; houses of prostitution, none; houses of assignation, none; furnished rooms, apparently none. Respectfully, Michael Doharty, captain Fourteenth precinct.

The next one is dated July 1, 1893, and is in the same language, signed by Hugh Clark, sergeant in command, with the same report. The next one is dated September 30, 1893, and is in the same language, signed Michael Doharty, captain; gambling houses, none; suspicious places, none; lottery offices, none; policy offices, none; bunco places, none; opium joints, none; houses of prostitution, none; houses of assignation, none; furnished rooms, apparently none.

The next report is dated January 24, 1894, and is in the following language: Police department, city of New York, precinct No. 14. New York, January 2, 1894. Thomas Byrnes, superintendent of police: Sir.—In compliance with rule 64, I desire to state that there are no gambling-houses, policy shops, houses of prostitution, and assignation, opium joints, or dens, bunco places, or suspicious persons or places located within this precinct. Respectfully, Adam A. Cross, captain.

The next and last one is dated April 1, 1894: Thomas Byrnes, superintendent of police: Sir.—In compliance with rule 64, I respectfully report that there are no gambling-houses, policy shops, bunco places, opium joints, or dens, furnished-room houses for prostitutes, houses of assignation or prostitution or suspicious places or persons within this precinct. During this quarter ending March 31, 1894, officers of my command raided six gambling-houses, eighteen policy shops, and 20 houses of prostitution. Respectfully, Adam A. Cross, captain.

I call attention to the fact that the previous report showed that there were no such places and this report shows a large number of raids of houses of prostitution. These all refer to the Fourteenth precinct.

The next are the regular reports of the captains of the Eleventh precinct. The first one is dated, police department, city of New York, No. 300 Mulberry street, precinct No. 11. New York, April 1, 1892, Thomas Byrnes, Esq., acting superintendent of the police: Sir.—In compliance with rule 64, I respectfully submit the following report for the quarter ending March 21, 1892. William W. McLaughlin, captain Eleventh precinct.

Chairman Lexow.—It is suggested why not put those all in evidence, without reading them. Just state the substance of the report, and what you propose to show by it, and your demand upon the captain, or rather your notification to them that certain houses existed in the precinct, is already in evidence before this committee.

Mr. Moss.—I am not reading that. I am reading the official report of the captain to his superior, in which he stated the houses which are in his precinct. Those are what I am reading. The captain admits that there are certain places in his precinct.

Chairman Lexow.—But did not close them?

Mr. Moss.—I do not claim that. These houses are still running, upon the testimony that we have offered, but there has been a presentment of the grand jury on the 31st of March, 1892, showing a liability upon the superintendent, when he received those reports from his captain, showing the location of the houses, that he did not then issue his own warrant under the Consolidation Act. There was a change in the procedure of the method of reporting houses by the captain to the superintendent, which had been in vogue for years. There is on record in the police headquarters a book or a report showing hundreds of houses of ill fame, but suddenly, when that presentment was made, there were no more houses reported. The captains reported there were no more houses, and that left the superintendent free.

Senator O'Connor.—The captain made no report of those houses to his superior officer.

Mr. Moss.—He reported there were no houses.

Chairman Lexow.—Although previously they had reported them.

Mr. Moss.—Yes; and suddenly the next report comes, and there are no houses, and the captains say plainly there are no houses of ill fame in the precinct, and the explanation of that is this presentment to the grand jury.

Senator O'Connor.—Has the superintendent of the police a right to use the force to suppress these houses on his own account?

Mr. Goff.—He has the right to issue his own warrant.

Senator O'Connor.—Can it be claimed, notwithstanding these reports, that the superintendent did not know about them, with his many years of experience.

Mr. Moss.—It can hardly be claimed so, because he had his previous report. He can not be all over the city at once, of course, but he had these previous reports, and then a sudden breaking off, and then he had the notices which our society showered upon him.

Chairman Lexow.—You mean to insinuate that the superintendent also forgot the fact that in previous notices he had received notice of the existence of these particular houses.

Mr. Moss.—Yes; I will say that, and I will say further than that, that the sudden change of the reports; the reports up to the 31st of March, showed hundreds of houses, and the very next report showed no houses, and that was a circumstance which should have caused diligent inquiry and active effort by the superintendent of the police force.

Chairman Lexow.—Or a complaint from the superintendent to the captains, that within 30 days they had been able to close all those houses.

Mr. Moss.—Yes. I have read the reports from the Fourteenth precinct, and they are written apparently in a clerical hand, the captain's signature being autographic, and here are the reports from the Eleventh precinct, written in the same hand, and they are all dated from police headquarters, 300 Mulberry street, and the reports of the captains show the location of houses in their precinct, are written in the same handwriting, pointing to the inference that they were made out at headquarters.

Senator Cantor.—Is there any rule which compels that to be done.

Mr. Moss.—The Rule 64 requires the captains to report all such places, but it does not state that they must be made at headquarters.

Chairman Lexow.—The report is supposed to be made by the captain from his precinct.

Mr. Moss.—Yes; but the printed heading is 300 Mulberry street; it is police department paper, and the writing is in the same clerical hand that appears upon the faces of the report from the Fourteenth precinct.

Chairman Lexow.—The handwriting of the Fourteenth and the Eleventh precincts is the same.

Mr. Moss.—Yes; they correspond. The handwriting of the captains being in a different handwriting.

Senator O'Connor.—Your claim is, that the report was made out by the superintendent.

Mr. Moss.—By someone at headquarters, and very likely from the reports read at headquarters which had been compiled from previous reports.

Now, this report from Captain McLaughlin; upon this report are two pages of houses of prostitution, houses of assignation, and furnished rooms for prostitutes, and I may say that upon this list is the house No. 81 Eldridge street, which we mentioned in the testimony of Mrs. Butler, and several of the houses which were mentioned, and particularly pointed out by the Society for the Prevention of Crime, at a later date. There are also upon this report, some policy shops.

The next report is signed by Captain Adam A. Cross, and is entitled precinct No. 11, but the words, "Captain Fourteenth precinct," appear under the name, "Adam A. Cross." It is dated July 1, 1892. The houses, however, are all located in the Eleventh precinct. There are upon this report 12 houses of ill fame. This is dated July 1, 1892. There were upon the previous reports three pages of houses of ill fame.

The next report is dated October 1, 1892, for the quarter ending September 30, 1892, and signed by Adam Cross, captain, and contains four houses of prostitution, one of them being Bessie Butler's, 81 Eldridge street, and another being the house of No. 32 Stanton street, which has been mentioned in the testimony, and it is said that the proprietor's name is Julius Whittaker; you will remember the testimony here was that Whittaker and Levy kept that house. There is one reputed house of assignation, 23 Bowery, and then follow these words, "There are gambling-houses, policy shops, opium joints, bunco places, dens or places reputed to be such, or suspicious persons or places, except as above mentioned in this precinct, to my knowledge."

The next report is dated January 3, 1893, for the quarter ending December 31, 1893, and signed by Captain Cross, and

says, "All reputed houses of prostitution and assignation in this precinct are closed; there are no gambling-houses, policy shops, opium joints, bunco places, dens or places reputed to be such in this precinct."

The next report is dated April 1, 1893, from the Eleventh precinct, and signed by William S. Devery, captain, Eleventh precinct. "There are no houses of prostitution, assignation, bedhouses, suspicious places, gambling-houses, lottery or policy offices, bunco places, or opium joints in this precinct."

The next report is dated July 1, 1893, and it says: "There are no houses of prostitution, assignation, bedhouses, suspicious places, gambling-houses, lottery or policy offices, bunco places, or opium joints in this precinct," and is signed Captain William S. Devery, of the Eleventh precinct.

The next report is dated October 1, 1893, and is in the same language, and signed by William S. Devery, captain Eleventh precinct.

The next report is dated January 1, 1894, and signed by Moses D. Cortwright, captain Eleventh precinct, and it says: "In compliance with rule 64, I herewith submit the following report: There are no houses of prostitution, assignation, bedhouses, suspicious places or persons, gambling-houses, lottery or policy offices, bunco places or opium joints in this precinct."

The next report is signed Moses D. Cortwright, captain Eleventh precinct, and is in the same language.

So that, from these official reports of the captains of the Eleventh precinct, for a period considerably over a year, it is stated that there have been no houses of ill fame whatever in this precinct. I will now read rule 64 of the police regulations: "Captains shall report quarterly to the superintendent the location of all houses of prostitution, assignation, bedhouses and suspicious places in their respective precincts, and the names of the keepers and owners thereof, and also all places used for gambling, lottery or policy purposes." And these reports which I have read are in pursuance of that rule. I now read a communication from the Society for the Prevention of Crime to the police commissioners, and to the captain of the Eleventh precinct, together with the report of the captain and of the inspector and of the superintendent thereon.

Senator O'Connor.—Would it not be well to state the substance of that?

Chairman Lexow.—Yes, state the substance, and put them in evidence, and we can read them on our vacation.

Mr. Moss.—They are very important, and the point is that it calls attention to specific places. This paper is dated June, 1893,

and signed by C. H. Parkhurst. It is addressed to James J. Martin, president of the Board of Police Commissioners. Another one is addressed to Thomas F. Gilroy, mayor of the city of New York. Another is addressed to William S. Devery, captain of the Eleventh precinct, and another is addressed to Thomas Byrnes, superintendent of the police in the city of New York.

To those communications is attached a list of houses of ill fame, which these communications state are open and running, and that evidence of their operation is in possession of the Society for the Prevention of Crime, and it calls attention to section 282 of the Consolidation Act, which makes it the duty of the police to carefully observe and inspect all houses of ill fame and to repress and restrain all unlawful conduct therein.

The list of houses attached to this communication contains some 50 different numbers, and in this list are mentioned four of the houses, the keepers of which were afterwards convicted by the society during the period while Captain Devery was reporting that there were no houses of ill-fame in his precinct.

Attached to this communication is the reply of Captain William S. Devery, addressed to Alexander S. Williams, inspector of the first district, dated August 23, 1893, in which he states substantially that there are no houses of prostitution, or that such houses are closed.

Also, the report of Thomas McAvoy to Peter Conlin, acting superintendent, dated August 21, 1893, to the same effect.

Also, the report of Alexander S. Williams, inspector of the First district, to Peter Conlin. In this report he says: "I have, however, taken means to continue surveillance over these places, and upon the first evidence that can be obtained of any violation of law immediate arrests will be made of the person or persons offending. I will also give the matter my personal attention. Respectfully, Alexander S. Williams."

Then, attached to this is the report to the board of police by Peter Conlin, acting superintendent, dated August 23, 1893. With your permission, I will read that; it is short. It is the culmination of all the other reports, and reads as follows:

POLICE DEPARTMENT OF THE CITY OF NEW YORK, }
 OFFICE OF THE SUPERINTENDENT,
 300 MULBERRY STREET, NEW YORK, *August 23, 1893.* }

To the Honorable the Board of Police:

Gentlemen.—After my assumption of the position of acting superintendent, I received from your honorable board the communication annexed, with directions to investigate the charges

therein contained, and to make a report to you of the result of my task. The alleged offenses were credited to the Eleventh precinct. I, therefore, asked the attention of Captain William S. Devery, commanding that precinct, to the charges, and also communicated with Inspectors Thomas P. McAvoy and Alexander S. Williams, who alternately commanded the district in which the Eleventh precinct is located. The orders to these officers were to give the case every proper consideration and to make their search and inquiry thorough. I respectfully herewith attach their reports. Beyond this action, I personally visited the several places mentioned in the letter of complaint, and while I found many of them closed several are free to access, but exhibited no evidences of gambling or other disorderly conduct.

The commanding officers of the First Inspection district and the Eleventh precinct are under renewed orders to vigilantly watch the enumerated places of alleged disorderly conduct, to the end that the laws may not be violated, and in the event of a transgression to promptly arrest the offenders.

All of which is respectfully submitted.

PETER CONLIN,
Inspector, Acting Superintendent.

POLICE DEPARTMENT OF THE CITY OF NEW YORK, }
300 MULBERRY STREET, NEW YORK, August 23, 1893. }

PETER CONLIN, *Acting Superintendent*:

Sir.—Upon my return to duty on the morning of 21st inst., having been absent on vacation, my attention was called to a communication from the Society for the Prevention of Crime, giving location of places in the Eleventh precinct alleged by them to be houses of prostitution and places where gambling was carried on. This communication was in the hands of Inspector McAvoy, who, during my absence, was in charge of First Inspection district and had given the matter complained of attention, of which he has made report. I have, however, taken means to continue surveillance over these places and upon the first evidence that can be obtained of any violation of law immediate arrests will be made of the person or persons offending. I will also give the matter my personal attention.

Respectfully,

ALEXANDER S. WILLIAMS,
Inspector First District.

Now, we have seen that special attention has been called to 50 different houses, and that all of the officials, up to the head of the force, have been brought into communication, and their reports appear.

I next offer in evidence a further communication by the Society for the Prevention of Crime to the same officials, dated October, 1893, in which the society reiterates its charge that these 50 houses are open and doing business, and reiterates its statement of the law and requires the police officials and the mayor of the city, addressing them in the same way as before, individually, to see that the law is enforced.

Attached to that is the report of William S. Devery, captain of the Eleventh precinct, dated October 18, 1893, in which he states that he has been vigilant; that he detailed Detectives Glennon and Kiernan—

Chairman Lexow.—Is that Wardman Glennon?

Mr. Moss.—Yes. That he detailed Detectives Glennon and Kiernan, and that he has himself visited the places almost daily and nightly at irregular intervals and found them closed, with but few exceptions, and those that were found open were subjected to a rigid and searching examination, but no evidence could be obtained that the law was being violated, and no women were found on the respective premises.

Your honors will remember the testimony of Bessie Butler, that no police officer called at her house at all, and her house figured upon every report upon which any houses of ill fame were reported, even when there were only four reported. Her testimony is clear and distinct that neither Captain Devery or Glennon or any other police officer called there. Then follows the report of Alexander S. Williams, dated October 19th, in which he states that he has given all attention to the complaint and communications of the captain, and says there is no gambling in the Eleventh precinct, "and any person who says that gambling is carried on in that precinct tells a deliberate and malicious falsehood.

The alleged disorderly houses in the precinct were visited by officers in citizens' clothes, under my direction, previous to October 4th, and since October 4th, up to date, and no violation of law found. On receipt of this communication I detailed officers from others than the Eleventh precinct to visit, at irregular hours, these houses, and in no case could they gain admittance, or procure evidence that would tend to show that the law was in any way violated.

I have also frequently visited the streets and passed the numbers mentioned in the communication, and have failed to

find any of the "open profligacy" or "foul contagion," from which the writers of this communication would make it appear that "youthful escape" was a "moral impossibility"—these expressions are in quotation marks, as will be observed, and are taken from the article from the Society for the Prevention of Crime—and any person who would make such a statement in the face of the actual condition of the precinct has no regard for the truth or his moral obligations."

"Hereunto annexed you will find a report from Captain William S. Devery, which shows that during the past six months he has arrested 5,345 persons for violations of law, of which 682 were women for soliciting in the streets for immoral purposes, largely due to the fact that Captain Devery had raided and closed 26 disorderly houses during the same time"—your honors will remember the quarterly reports of Captain Devery stated there was no houses in his precinct.

"In conclusion, it is admitted by the signers of the communication that it is a personal attack on Captain Devery, and not against disorderly houses; and the false accusations therein contained would never have been made had not Captain Devery caused the arrest and conviction of the superintendent of the Society for the Suppression of Vice, for blackmail."

Your honors will remember the arrest of Charles W. Gardner and his conviction, and the reversal of it.

Then follows the report of Thomas Byrnes to the Board of Police, dated October 20, 1893, transmitting these reports of his subordinates, and saying that he himself had detailed men from headquarters to visit these houses, without any connection with the men of the Eleventh precinct, and that from their reports no evidence could be obtained of improper conduct.

Your honors will remember the testimony of the witness, Hoffman, in reference to the detectives calling at his house, and taking some of his girls and threatening to arrest him, but did not do so. The report of Mr. Reep and the other detectives can be obtained. I have seen them, and they state that they have visited these houses every night and found no violation of law therein.

I have, also, a batch of reports signed by Alexander S. Williams, inspector, and Captain Devery, being made at intervals of three days to a week; reports from them directly to the superintendent of police, in which in a stereotyped form, they show that they have investigated the houses in the Eleventh precinct, from day to day, and could not find any evidence of violations of law.

I now offer the record of the conviction of five keepers of houses of ill fame in the Eleventh precinct obtained, upon the

part of the officers of the Society for the Prevention of Crime, on the 18th of November, 1893. The last one is the conviction of Catharine Schubert, who has been a witness before your honors, who was found guilty of keeping and maintaining a house of prostitution at premises 144 Chrystie street, committed in said city, 17th of October, 1893.

Chairman Lexow.—Four days after this report?

Mr. Moss.—Yes.

The following is a copy of the paper, which I desire to offer:

"At court of Special Sessions of the Peace, holden in and for the city and county of New York at said city on Monday, the 18th day of November, in the year of our Lord one thousand eight hundred and ninety-three:

"Present.—The Hons. Daniel F. McMahon, Solon B. Smith, and Patrick Divver, police justices of the city of New York, justices of the said court:

"The people of the State of New York v. Catharine Schubert, on conviction by the oath of a credible witness, of the misdemeanor of keeping and maintaining a house of prostitution at premises 144 Chrystie street, committed in said city, 17th October, 1893, after having duly elected to be tried by said court, and after having been duly arraigned and duly charged upon the said misdemeanor, and having duly answered the same,

"Whereupon it is ordered and adjudged by the court that the said Catharine Schubert, for the misdemeanor aforesaid, whereof she was convicted, pay a fine of \$250. And it is further ordered that she stand committed to the custody of the keeper of the city prison of the city of New York until the said fine be paid, but not exceeding 250 days. Paid.

"A true extract from the minutes,

"JAMES P. KEATING, Clerk."

The next one that I offer is the conviction of Grace Welsh, of 81 Eldridge street, which is in the same form as the one above, for keeping and maintaining a house of prostitution at premises 81 Eldridge street, and were sentenced to a fine of \$50, which she paid.

I may say, to your honors from personal knowledge, that the testimony showed acts of prostitution at this house from July down to October 17, 1893, inclusive.

The next is the conviction of Theresa Werner in the same form as above, for keeping and maintaining a house of prostitution at premises No. 109 Forsythe street, committed in said city October 17, 1893, and was sentenced to a fine of \$250, which was paid.

The next is the conviction of Elizabeth Hartel, in the same form as above, for keeping and maintaining a house of prostitution at premises No. 70 Eldridge street, committed in the said city October 17, 1893, and sentenced to pay a fine of \$250, which was paid.

The next is the conviction of Mathilda Berger, in the same form as above, for keeping and maintaining a house of prostitution at premises 43 Forsythe street, committed in said city October 18, 1893, and fined \$250, which was paid.

Your honors will remember the testimony of the witness, Hoffman, to a riot that occurred in the neighborhood of the Essex Market Police Court, when the officers of the Society for the Prevention of Crime made complaint against houses; he said that the persons who assaulted the agents were employed by the keepers of the houses of ill fame, and that the row was continued over half a mile.

Mr. Ransom.—Is this testimony that he is giving?

Mr. Moss.—I am repeating the testimony. That was testified to in reference to the riot, and these are the houses, the conviction of the keepers of which I have just read, about which that riot wound its course. I have also here the presentment of the grand jury, which I offer in evidence, dated March 31, 1892. I have a printed copy of it, which I know to be correct, and it may save sending to the district attorney's office, if Mr. Ransom will accept it.

Mr. Ransom.—Certainly; your word is good with me, and it seems to have been good with the committee, as you have been testifying.

Mr. Moss.—I offer in evidence the presentment of the grand jury of this county, dated March 31, 1892, signed Henry M. Tabor, foreman.

Chairman Lexow.—What is the object of introducing that?

Mr. Moss.—To show the reason why the captains' reports change. The reports having been for years in such form that they showed the location of hundreds of houses of ill fame in this city, and then suddenly changed, at the 31st of March, so that the reports were that there were no houses of ill fame. When we produce, as we may later on, the reports of all the police captains, of about that date, your honors will find that up to the 21st of March there were on record at police headquarters hundreds of houses of ill fame, and suddenly, from the 31st of March on, there were no houses, and the reports from headquarters will show there were no houses, and have not been any houses of prostitution since about the 31st of March, 1892.

Chairman Lexow.—I thought you said the change was in October.

Mr. Moss.—No; the last reports show that the houses of ill fame, in any considerable number, are the reports made at the end of March, 1892, or the 1st of April, 1892, and this presentment was found upon that very day, so that the reports following, which will be dated in July, for the quarter preceding the presentment, will show the new condition, that the city has apparently been purged of all houses of ill fame.

Mr. Sutherland.—Captain Cross, in April, reported two pages, and in July 12 houses, and in October four houses, and in January none. There seems to have been a gradual running down.

The presentment of the grand jury is as follows:

THE PRESENTMENT OF THE GRAND JURY.

To the Honorable the Court of General Sessions and the Honorable the Recorder, Frederick Smyth:

Owing to the public and general charges having been made against the efficiency of the police department in suppressing vice and arresting law-breakers, this grand jury has spent considerable time in investigating these accusations.

It is conceded by all that the police department is splendidly organized, and is not excelled in its ability to cope with crime. The comparative safety of travel and freedom from disorder on the streets are evidence of the ability of the force.

The usual excuse is the difficulty of entrance into such places (although easily accessible to the public) and the procuring legal evidence. An investigation of the facts show that few raids upon gambling and disorderly houses are made by the police of their own volition, and rarely, if ever, by the captain personally; and in nearly all cases action is taken by private citizens or agents of societies upon which warrants are issued and raids made.

The police rules provide for regular reports by captains of police to headquarters of all gambling and disorderly houses in their precincts. Such reports are regularly made, and there is in police headquarters a long list of houses of that character, giving their exact location and the kind of business conducted in each of them.

POWER TO MAKE ARRESTS.

Section 282 of the Consolidation Act requires the police to carefully observe and inspect all such premises and to state the reasonable grounds for believing that the law is violated upon them, whereupon the superintendent may issue his own

warrant without any necessity of applying to a police justice, upon which warrant his officers may break into the suspected premises and arrest any persons found violating the law and capture any apparatus used in such unlawful business.

A large amount of testimony has been presented showing the existence and violation of law in large numbers of these places. The grand jury has indicted the proprietors of some of these places and they have been arrested under such indictments and have pleaded. In these very cases further testimony has been presented, showing that there was no abatement in these premises of the same disorderly practices, and that there was no appearance of police interference.

WHAT CITIZENS DO.

With the facts before us that these places do exist in large numbers, that they are well known to the police, that their location and special lines of business are recorded by the department, and that very particular and express duties are imposed by law upon the police to inspect and repress these places (section 282), and that extraordinary powers of breaking into houses without previous application for judicial warrants are allowed to the police in order that they may perform such duties (section 285), and with the fact that has plainly appeared to us that the police seldom use those powers or even apply to magistrates for warrants to carry out their legal duties, there are presented to us the best reasons for condemning the inaction of the police department in these matters. They are either incompetent to do what is frequently done by private individuals with imperfect facilities for such work, or else there exist reasons and motives for such inaction which are illegal and corrupt. The general efficiency of the department is so great that it is our belief that the latter suggestion is the explanation of the peculiar inactivity.

In reference to excise violations, the proofs which have been produced and our own observation clearly show that the existence of open saloons and the sale of liquor in them at unlawful hours is the general rule, and it is clear that there is very little attempt by the police to interfere with these practices.

"The present situation certainly warrants the condemnation of the police department in the matter above mentioned. The force is paid liberally for the work of enforcing the law. They did enforce the law in many respects in a superior manner, but if they be permitted to discriminate in favor of certain forms of crime for reasons well known to themselves there is no telling where the same course will lead them to or leave the interests of

our city. Circumstances and testimony offered have tended in some cases for tax administration.

"MUST BE SO.

"Indeed, the publicity with which the law is violated and the immunity from arrest enjoyed by the lawbreaker is inconsistent with any other theory. It is obvious that when a confession by a lawbreaker of payment for protection would subject him to penalties not only for his acknowledged crime but also for bribe-giving, it is extremely difficult to collect trustworthy evidence in direct proof of such charges. It has been thought best at the present time to go no further than to make this general presentment, so that the courts and the residents of our city may be properly informed and warned against the dangerous evil that is in the midst of us.

"The foregoing was unanimously adopted.

"HENRY M. TABER, Foreman."

"Grand jury-room, March 31, 1892."

William Hamilton, a witness, called on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. Your full name is what? A. William Hamilton.

Q. Where do you reside? A. Fifty-eight Richmond street, Brooklyn.

Q. What is your occupation? A. Minister of the gospel—clergyman.

Q. Until April of this year, you were the pastor of the Allen Street Memorial Church, in the city of New York? A. Yes, sir.

Q. And that church is situated in the Eleventh precinct, is it not? A. I am told so.

Q. How long were you the pastor of that church? A. Three years.

Q. Do you live in that precinct? A. Yes, sir.

Q. What was your house address? A. I lived for a part of the time in the church; we have an apartment there and part of the time I lived at 209 Madison street; my study was at the church and my work was all at the church.

Q. In your calling as pastor did you make visits about the neighborhood? A. Yes, sir.

Q. Can you tell whether those three years, while you were pastor of the Allen Street Memorial Church, there were any houses of ill fame open and doing business in the Eleventh precinct? A. Yes, sir; there were many of them.

Q. Can you state the location of any of those houses? A. There were quite a number in Rivington street, just above my church and some on Eldridge street and some reported on Ludlow street.

Q. How were those houses conducted, so far as you could observe them from the outside? A. Well, some of them, the windows were open in the season of the year when it would be proper for them to be open, and the women were at the windows, and sometimes they would call me in as I went by.

Q. You, yourself, were solicited? A. Yes, sir.

Q. And members of your church were also solicited? A. My assistants; I had three assistants and they were solicited at different times; it was so reported to me.

Q. Was that quite the general condition during the three years that you were there? A. Oh, yes, sir; undoubtedly.

Q. Have you listened to the reports which I have read, signed by Captain Devery, that there were no houses of ill fame in his precinct? A. Yes, sir; I have heard some of them read here.

Notwithstanding those reports, do you say that those houses continued to be open, and that solicitations took place from the windows? A. Oh, there is no doubt about that at all.

Q. What was the condition of the streets, the people in the streets; so far as prostitution was concerned? A. They would sometimes stop you on the street.

Q. Were there many prostitutes on the street? A. I have counted seven in one block; at least, I should judge they were prostitutes; they gave every appearance of it.

Q. Did you observe whether companions of those women loitered about the corners of the streets? A. At times I have seen them.

Q. Did you observe them prosecuting their calling, if we may call it such, upon the street, with police officers near by? A. No, sir.

Q. You never saw that? A. No, sir.

Q. During this period, which I have read from Captain Devery's reports, covering incidentally all of his official connection with that precinct, in which he said there were no houses of ill fame, did you and he have any conversation about houses of ill fame in his precinct? A. Yes, sir.

Q. When was the first? A. About a year ago.

Q. Where was that conversation held? A. The first talk I had with the captain was on the steps of the precinct station-house.

Q. What was the subject of that conversation? A. I called his attention to the number of the houses of prostitution on my

street and in the neighborhood of my church, and asked him to use his influence to stop it.

Q. What did he say? A. At first, he seemed to treat it a little indifferently, and he said to me, I remember his words, he said, "Men that are looking for that sort of thing can find plenty of it;" I said, "Captain, I did not come to be insulted, I came to tell you the facts and to require you to perform your duty."

Q. You had told him you were a minister? A. He knew me very well.

Q. You said you did not want to be insulted? A. I told him that, and he said a man who is looking for it could find plenty of it.

Q. What did he say he would do? A. Then he looked at me and he talked the matter over a little more calmly, and he said; first, I called his attention to three or four houses, and he said, "If I get them out of the private houses, they will go into the tenements, which would be worse;" he said, "Supposing they go into that large tenement-house on the corner, which has a number of families in it, would it not be worse?"

Q. He said then that the private houses were houses of prostitution? A. That is the language he used, you can take it as you see fit; he said, "If I drive them out of the private houses they will go into the tenement-houses and on floors there, which will be much worse.

Q. When was the next conversation? A. Two or three weeks after that.

Q. Where was that? A. In the station-house, just inside the door.

Q. State what that conversation was? A. Something along that line; I went over the same ground; I called his attention to the saloons and asked him to close them, and I called his attention to the houses and he promised to do something; I think I met the captain three times and we went over the same ground every time, with the exception that I bore down pretty heavily on the saloons; that they were all open, and I saw officers in uniform going in, and I called the attention of one officer to it and he said he dare not close it.

Q. What was his name? A. I could not tell you.

Q. Was he on the beat? A. I presume so; I saw him standing on the corner.

Q. Give us his words? A. He said to me, "I dare not close it;" I said, "You see the saloons are open, officer;" he said, "I know that all the saloons are open;" and I said, "Why do you not close them;" and he said, "I dare not;" and then he passed on.

Q. Do you recollect anything said in the third conversation which was different from the other two? A. They were about the same.

Q. And over what period of time did those three conversations occur? A. Probably five or six weeks; along there.

Q. That was about a year ago? A. Yes, sir.

Q. Was there any immediate change in the condition of affairs for the better? A. I did not notice any.

Q. The houses still continued to do business as before? A. Yes; except one place; the captain closed one place for me; it was a pool room; it was within 50 feet of my church, doing business on Sunday, and I called his attention to it two or three times, and finally he closed it; it was on the corner of Orchard and Rivington streets.

Q. Then, he could close something? A. He closed that.

By Chairman Lexow:

Q. When was that? A. That was along in the fall of the year.

Q. When all the rest of the pool rooms were closed in the city—do you remember the time when they were closed? A. No; that was before that, and I had received letters from people living in that neighborhood, calling my attention to houses and to pool rooms, and asked me to use my influence with the captain to have them closed.

By Mr. Moss:

Q. Then you had complaints from other people about there? A. Yes, sir; I have not the letters now, but I have had them.

Q. How many of such complaints? A. I think three written complaints and others called on me and asked me to get the houses closed.

Q. Did this condition which you have described, the existence of open vice, interfere with the work of your church?

Chairman Lexow.—That is immaterial. We understand the motive of a clergyman is a good motive. It would only be proper on the question of motive.

Cross-examination by Mr. Ransom:

Q. What denomination did you belong to? A. I belong to the Methodist Episcopal church.

Q. Of what church are you now the pastor? A. St. Andrews' Church, Brooklyn.

Q. How long were you pastor of the church in New York? A. Three years.

Q. Were you a witness on the trial of Captain Devery, when he was indicted for neglect of duty in allowing these houses which you have described to be kept open? A. Yes, sir.

Q. Was Captain Devery acquitted? A. I can not say as to that; I think he was.

Mr. Moss.—I object to that, on the ground that he is asking if Captain Devery was tried for neglect of duty as to these houses. The trial was only as to No. 81 Eldridge street.

Q. Very well, then, No. 81 Eldridge street; that is one of the houses that you have spoken of? A. No, sir; I did not mention that house.

Q. You do not know anything about that house? A. No, sir.

Q. Is Eldridge street near to your church? A. Yes, sir.

Q. Is No. 81 near to the church? A. No, sir; it is further down the street.

Q. You testified in a positive way that there were several houses of prostitution in this precinct? A. Yes, sir.

Q. I have not the slightest idea, and I hope you will bear me out now in what I say of intimating anything disreputable to you as a man, but I think I ought to ask how you know that those houses were houses of prostitution? A. Well, I can answer you that, I think; it was my business, as pastor of the Allen Street Methodist Episcopal Church, to go from house to house with tracts and papers and Bibles, and in going into some of those houses, I immediately discerned the character of the houses and found that they were houses of prostitution —

Q. I do not care to go into any close detail.

Mr. Moss.—Let the witness finish his answer.

Q. I thought you had finished your answer? A. Not quite; that is one reason, and then I saw the women at the windows, and they would motion with their fingers and sometimes they would call to me to come in, and it was an open story that such and such houses were houses of ill fame; and my visitors would come in and tell me that they had been solicited also.

Q. I suppose, really, the fact is, that your testimony depends very largely, does it not, upon the common report in the neighborhood and what people told you, rather than upon your own personal observation? A. My observation would lead me to believe, after such an experience, that they were houses that were not right.

Q. I agree with you on that; but what I understand is, whether your testimony this morning, which has been given, as of personal knowledge — of course, that is not so? A. I never had anything to do with the women; I am clear on that.

Q. I do not think I ask you that, but as you have volunteered

it, I will let it stand on the record; I had assumed that you had nothing to do with the women? A. You were pushing me rather hard along that line.

Chairman Lexow.—I think Judge Ransom was very courteous in his question.

Mr. Ransom.—I intended to be so.

Q. What I want to ask, I will try to ask again, whether your testimony given this morning, as of personal knowledge, is not really founded upon common report and hearsay and complaints made to you as a minister? A. Well, largely so; it must necessarily be so.

Q. I thought it would necessarily be so.

Senator O'Connor.—The talk with Captain Devery would not be hearsay?

Mr. Ransom.—That is hearsay; but I did not intend to exclude or include what the captain said, but I wanted to see whether he was speaking from personal knowledge or from hearsay.

Q. You testified that you had a conversation with an officer at one time, when he told you that he dare not close the saloon? A. Yes, sir.

Q. Did you say that was on Sunday? A. Yes, sir; I had left my church about 6 o'clock, and I went around and counted from 17 to 19 saloons open, between my church and my residence, and I went into quite a number of saloons and saw them drinking and saw crowds in there, and on my way back, before I went into my pulpit, I met the officer standing on the corner of Ludlow and Rivington streets, and I said, "Officer, these saloons are open," and he said, "I know it," and I said, "Why do you not close them," and he said, "I dare not."

Q. Did you know that officer? A. No; I can not say that I did.

Q. I would like to find him if I can, did you know his name?

A. No; I do not know that he was on that beat; I saw him standing on the corner.

Q. Do you recollect that you had ever seen him before? A. No.

Q. Have you ever seen him since? A. I am not clear on that.

Q. Were they open by the private or the public entrance?

A. The side doors; the doors were open so that you could see in from the street.

Q. That is what is called the side-door entrance? A. Yes, sir.

Q. Will you fix the date of this conversation with him? A. I can not do it.

Q. Can you fix the year? A. Last year, the latter part of last year, or some time along between the summer and September.

Q. It was then some time in the summer of 1893? A. Yes, sir.

Q. Were any of the saloon-keepers in the neighborhood tene-

ments attendant upon your church? A. No, sir; not that I know of; they may have come in.

Q. I mean to your knowledge? A. No, sir; not that I know of.

Q. I am informed, and I will ask you, that on the trial of Captain Devery, your testimony was in substance that some of those saloon-keepers were attendants upon the services in your church?

A. I never said so.

Q. Nothing like that? A. No, sir.

Q. Did you at that time testify, or is it true — I suppose if you so testified it is true — that some of the saloon-keepers contributed to the money collections of your church? A. No, sir; not one of them as saloon-keepers.

Q. Not one as saloon-keepers? A. No.

Q. I did not ask you that? A. Let me explain the position and the condition of things; adjoining my church is a saloon, within four feet of it; there is an alleyway between us, and the wife of that saloon-keeper attended church occasionally, and when she came in, she contributed in the basket, but she never was a regular contributor and was never asked to contribute, and her husband never did contribute, nor did he ever attend church to my knowledge; she was an occasional hearer in my church.

Q. You testified that you have been solicited yourself by women from those houses? A. Yes, sir; going up and down the street.

Q. Was that a common thing, or can you specify some one or two occasions? A. I could not call it a common thing; maybe it occurred three or four or five times, but my visitors so reported.

Q. I do not think we ought to take that; I would rather have your personal knowledge? A. I will say four or five times.

Q. You are clear about that? A. I think so.

Q. And you were there three years? A. Yes, sir.

Q. And in the three years you were solicited three or four times, perhaps? A. Yes, sir; after they got to know me, they did not do much of that business with me.

Q. Of course, they knew it was not worth while, then? A. Yes, sir.

Q. What was the date of the conversation you had with Captain Devery, the first one? A. I think in July.

Q. Of last year? A. I think so.

Q. How near to the first one was the second conversation? A. Within two or three weeks; I waited to see what effect my conversation would have with the captain.

Q. I understand from you that the second conversation was substantially like the first? A. Along the same line; all three of the conversations were something of the same kind; I went there for that purpose.

Q. I have not the advantage of the evidence in the Devery trial; I would like to ask you a question; I refer briefly to the subject of that trial; you testified there as a witness? A. Yes, sir.

Q. Mr. Morse has testified, or volunteered, the remark to the committee, that the indictment covered a place called No. 81 Eldridge street; you heard him so state? A. Yes, sir.

Q. You understood that the trial of Captain Devery was in reference to that house? A. I had nothing to do with No. 81 Eldridge street; I don't know anything about it.

Q. You do not understand my question; or I see you are sensitive; I do not mean to encroach at all upon your respectability, for I have entire confidence that you are a respectable man, and I would not be one to insult you or any one, if I knew it; I want to know if you recollect that No. 81 Eldridge street was the house covered by the indictment of Captain Devery; you have already stated that No. 81 Eldridge street is not far away from where you live? A. It was six or seven blocks from the church.

Q. I am curious to know upon what point you testified, if you know nothing about 81 Eldridge street? A. On the subject of the conversation with Captain Devery and to the general standing of the community and the general knowledge that I had of the condition of things.

Q. Did the court let you testify as to the general report? A. I can not remember about that.

Q. This court will; who was present when you had the first conversation with Captain Devery? A. Captain Devery and myself.

Q. Nobody else? A. No, sir.

Q. It was at the station-house? A. On the steps at the station-house.

Q. Do you remember what time of day it was? A. Yes, sir; about 4 o'clock in the afternoon; between 4 and half-past 4.

Q. This was not a casual meeting on your part; you went there specially, did you not? A. I went there for that purpose; I tried several times to meet the captain, but failed.

Q. When you had the second conversation who was present? A. We were alone on the third conversation.

Q. Did you have a third conversation? A. Yes, sir.

Q. When was the third conversation? A. It was a little after that.

Q. This third conversation — all three conversations were about a year ago? A. Yes, sir; or a little later; the first was probably in July and then along in August; the matter never came to my attention that it would be of any importance for me to remember as to the time.

Q. Did Captain Devery know who you were when you first approached him the first time? A. Yes; I think so.

Q. Tell me how it is that you think it? A. I saw the captain standing on the corner of Grand and Eldridge streets and there were three gentlemen present, and he was talking with them, and he turned around as if to go away and at that time I came up and said, "Captain, I would like to see you," and he turned around and walked with me; I said, "My name is Hamilton; I am pastor of the Allen Street Memorial Church."

Q. Then he did not know you until you introduced yourself to him? A. I presume he did not.

Q. You had never spoken to him before? A. No, sir.

Q. He treated you courteously, as I understand it, except in the first remark, which you did not like? A. No, sir; I did not.

Q. It was rather insinuation or remark that you found fault with, I suppose? A. He was inclined to treat it a little lightly, I thought.

Q. You were not very much surprised that a captain of the police precinct, familiar with crime in all of its awfulness and all the disorderly and atrocious conduct, should treat, as you might think, being a pastor of a church, the subject with lightness, were you? A. I do not quite catch your question.

Q. Then I will withdraw it.

Senator O'Connor.—It is quite immaterial.

Mr. Ramsom.—Yes; I think it is immaterial.

Senator O'Connor.—Any further questions of this witness? If not, call your next witness.

Patrick Crowe, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. To what precinct are you attached? A. The Twenty-fifth precinct.

Q. Under Captain Strauss? A. Yes, sir.

Q. Do you know Mr. Pospissil? A. Yes, sir.

Q. The president of the Bohemian Liquor Dealers' Association? A. I know him, but I don't know him as a president.

Q. He is a saloon-keeper, is he not? A. Yes, sir.

Q. Did you on last Saturday or Saturday week tell him to send a notice around to the Bohemian saloon-keepers to slow up on the next Sunday? A. No, sir.

Q. Did you have any conversation with him on that subject at all? A. The only conversation I had with him was to tell him; I think I remember telling him that Sunday would be "strict."

Q. That is all you said? A. That is all I said.

Q. Did you tell him that every Saturday? A. Not that I remember.

Q. How did you come to tell him that on that special Saturday? A. I disremember now; I could not tell hardly how the conversation commenced.

Q. How did you know that Sunday was going to be strict? A. I did not know any more than any others, because we got orders every Saturday night when turning out, to enforce the excise law.

Q. And that was at 6 o'clock? A. Yes, sir.

Q. Was it after 6 o'clock that you told this to Mr. Pospispil? A. Yes, sir.

Q. That Sunday would be strict? A. Yes, sir.

Q. Do you remember telling him any other Saturday night? A. No, sir.

By Chairman Lexow:

Q. How long have you been on the beat there? A. Over a year.

Q. And you never told him that before? A. I don't remember; he might have asked me; if he had asked me, I would have told him the same thing.

By Mr. Goff:

Q. You will not swear that you ever told him before? A. No, sir.

Q. Was there not something special around that Saturday evening; something remarkable that caused you to tell him that? A. No, sir.

Q. Then you failed to do your duty all the other Saturdays that you have been on the post there, by not telling him? A. No, sir; I don't remember having any conversation with him.

Q. Was it part of your duty to notify the saloon-keepers beforehand? A. No, sir.

Q. Then why did you do it in this case? A. I don't know why I done it for.

Q. Who told you to do it? A. Nobody.

Q. Who gave the orders? A. Nobody; the only orders I got was at turning out.

Q. Who gave you the orders Saturday night? A. To tell him that?

Q. To tell anyone? A. Nobody.

Q. Who gave the orders to enforce excise laws? A. Captain Strauss.

Q. Personally? A. Yes.

Q. Every Saturday night he told you to enforce the excise law? A. Yes, sir.

Q. How many cases—excise arrests have you made, while you have been in that precinct? A. I have never counted them; maybe 20; I have never counted them; I can't tell.

Q. Did you make any excise arrests on Saturday week? A. I was not on the beat until after 12 o'clock.

Q. Did you make any excise arrests after 12 o'clock? A. No, sir.

Q. Did you make any excise arrests the Sunday before? A. No, sir.

Q. Has there ever been a conviction under the excise law in any of the arrests that you have made? A. Yes, sir.

Q. How many? A. Two or three.

Q. Give me the name of one? A. I can not remember the name at present; they are Bohemian names, and I can not pronounce them.

By Chairman Lexow:

Q. Do any of them belong to this Bohemian association? A. I could not say.

By Mr. Goff:

Q. Give me the numbers of the saloons where the excise law was violated where you have got a conviction? A. He got fined \$10; that is a conviction, fined \$10 at Special Sessions.

Q. Give the name of the place, give the number? A. I can not remember; I think it is 1383 Avenue A, or something like that.

Q. The man who was convicted there yet? A. I believe he moved on the other side of the way.

Q. Was that the only conviction that you can call to mind? A. There was another place on First avenue, between Seventy-second and Seventy-third streets; I can not bring the name to mind at present.

Q. You can not tell any of the names? A. No, sir; they are peculiar names to pronounce.

Q. Did you say anything to Mr. Pospisil about sending notice around to the other members of the Bohemian Liquor Dealers' Association? A. No, sir.

Q. Did you know there was a Bohemian Liquor Dealers' Association? A. No, sir.

Q. Never heard of it? A. No, sir; never heard of it.

Q. How many other liquor dealers besides Pospisil did you tell on Saturday night, that Sunday would be "strict?" A. I don't remember that anybody asked me; if they asked I would tell them.

Q. Did you tell anybody besides Mr. Pospisil? A. I could not say.

Q. Will you swear that you told any liquor dealer or saloon-keeper in your precinct on that Saturday night that Sunday would be strict, except Mr. Pospisil, the president of the Bohemian Liquor Dealers' Association? A. I don't remember.

Q. How many saloon-keepers are there on your beat? A. I never counted them.

Q. Approximately, how many? A. As near as I can, I will count them from the post as I go up the street in my mind, and tell you as nearly as I can—say a dozen.

Q. Does that include the streets? A. That includes the avenue; there are entrances here on the avenue.

Q. How many blocks? A. From Sixty-seventh to Seventy-fourth, and the side streets to East river.

Q. And there are about a dozen liquor saloons on your beat? A. About a dozen, or maybe more.

Q. I think it safe to say more? A. Well, a dozen or more.

Q. You can not give us the name of anyone to whom you said Sunday would be "strict," except this Mr. Pospisil? A. Not at present.

Q. Where did you see him, at his saloon? A. Standing at the door.

Q. Did he ask you? A. He came over, and he said, "Hello, Paddy," and I said, "Hello, Joe;" that is all.

Q. That is all that passed? A. Yes, sir.

Q. Did he not ask you what the "old man" was going to do to-morrow? A. No, sir.

Q. Did not you tell him that the "old man" had said that to-morrow would be "strict?" A. No, sir.

Q. What did you say to him? A. That is all I said; that to-morrow would be "strict."

Q. You did not say that "to-morrow" was likely to rain? A. No, sir.

Q. Or would be very warm? A. No, sir.

Q. Only "to-morrow" was likely to be "strict?" A. Yes, sir.

Q. You then passed on your way? A. Yes, sir.

Q. Did you make any arrests on that day that was to be strict? A. I did not go on until after 12 o'clock.

By Chairman Lexow:

Q. What do you mean by "strict?" A. Really, at present, I don't know what I mean by being "strict;" I would really mean that I would suggest to keep his place closed, and not to violate the law.

Q. Or that you would have to arrest him if you saw the law violated? A. Yes, sir.

Q. And that "strict" meant that it was different from other Sundays by being "strict" on that particular Sunday? A. No more than any Sunday.

Q. Did you not mean strict as being different from other Sundays? A. Just the same as other Sundays.

Q. You do not mean to claim, do you, that it was strict on other Sundays? A. The same every Sunday.

Q. There was absolutely no difference between that Sunday and any other Sunday? A. No, sir.

By Mr. Goff:

Q. You considered it to be your duty to tell this saloon-keeper, to warn him in advance that the law was going to be enforced; did you consider it doing your duty when you so warned him? A. Well, I would say yes.

Q. You considered that to be your duty? A. Yes, sir; I wanted it closed up at 12 o'clock.

Q. You considered it to be part of your police duty to warn any man that you think is about to violate the law, to be on the lookout for you, so he will not be caught? A. No, sir; not that.

Q. What did you warn him for? A. I could not say; I could not tell what I warned him for.

Q. Did you not say "to-morrow will be strict?" A. Yes, sir; I did.

Q. Was not that warning him? A. It looks like a warning now.

Q. If you saw a burglar hanging around a house, would you tell the burglar that the law would be enforced against burglary? A. No, sir.

Q. If you saw a pickpocket hanging around a crowd, you would not go up and warn the pickpocket in advance that things were going to be "strict," would you? A. No, sir.

Q. One question; did you report to the "old man" at the station-house that you had given a tip around, that "to-morrow would be strict?" A. No, sir.

Mr. Ransom.—I have no question.

Joseph Kovar, a witness, called on behalf of the State, being duly sworn, testified, and examined through an interpreter.

By Mr. Goff:

Q. Did you ever keep a saloon up around the Twentieth or Twenty-second Assembly district? A. Yes, sir.

Q. Were you a member of the Bohemian Liquor Dealers' Association? A. Yes, sir.

Q. When did you join? A. In the spring of 1892.

Q. Where was your saloon? A. No. 1350 First avenue.

Q. What did you join the Bohemian Liquor Dealers' Association for? A. Every Bohemian saloon-keeper joined the same association, so I joined it also.

Q. What was the object of the association? A. That they all should sell the beer for eight cents a pint and furthermore that they should be protected by the police.

Q. To sell the beer at eight cents a pint and that they should receive protection from the police; was there anything said in that association at any time, about the saloon-keepers having to raise the price of beer, from seven cents a pint to eight cents a pint, because the police protection had raised? A. Not as long as I was a member.

Q. When you were a member, do you know what captain was in that precinct, when you first joined? A. I knew the name, but, personally, I did not know him.

Q. What was the name? A. Schmidtberger.

Q. Do you know the name of Schmidtberger's ward man? A. Yes, sir.

Q. What was his name? A. Gannon.

Q. After Captain Schmidtberger went to the precinct, was there any talk in that association about the new captain requiring the payment of more money than Gunner had been collecting? A. Yes, sir.

Q. What was the talk in the meeting of the association on that subject? A. In the meeting there was a committee elected; I think it was Mr. Pospisil and Mr. Sykora, and that they should go to the captain of the Tammany Hall, Mr. Bellmore; I am not positive of what name it was, but I think it was Bellmore.—

Q. The leader of the district? A. The leader of Tammany Hall in that district; yes, sir; and that he should use his influence on the captain that he should reduce the money that they can not pay so much as he wanted; that they want to pay the same amount as they paid before, but they did not want to pay any more.

Q. They were willing to pay the same amount that they had paid to Gunner, but was not willing to pay any more? A. Yes, sir.

Q. Then this committee was to go to the Tammany Hall leader in that district, who, you think, was Mr. Bellmore, and ask him to use his influence with the captain to get him to accept less money? A. The same amount that he got before.

Q. The same amount that Captain Gunner used to get? A. Yes, sir.

Q. Did that committee ever report to the association? A. Yes, sir.

Q. What was the report they made to the association? A. They said that Mr. Bellmore went with them and that everything was all right.

Q. Do you know how much money the association paid to the police for protection? A. I am not positive how much they paid, but once they took about \$190.

Q. One hundred and ninety dollars a month? A. That I can not tell.

Q. Were you treasurer of that association? A. Yes, sir.

Q. Did you ever pay money out of the treasury to any person to give to the police? A. It was once in the autumn, they spoke in the meeting, that the captain must get some New Year's present, so they decided that I should pay out \$100 for the captain and \$25 for the ward detective, and he gave it, \$125 for that purpose.

Q. What captain was there at that time? A. Captain Strauss.

Q. That was the first winter that Captain Strauss was in that precinct? A. Yes, sir.

Chairman Lexow.—Ask him whether it was paid.

Q. Do you remember what winter that was? A. Eighteen hundred and ninety-two.

Q. What was that money for? A. A present for the police.

Q. Was that money paid out by you, as treasurer, to any person, to give to the police? A. Yes, sir.

Q. To whom did you pay that money? A. To Mr. Pospisil and to Mr. Mirovsky and Mr. Cerumba.

Q. Was Mr. Pospisil the president of the association at that time? A. I think so.

Q. Did you give to Mr. Pospisil \$125 for the purpose that you have spoken of, out of the funds of the association? A. I gave the money in my barroom to all those three.

Q. Did you ever hear that committee say anything in the association about having paid that money to the captain or the wardman? A. They said in the next meeting that the money came in proper place.

By Chairman Lexow:

Q. You mean that the money had been placed in the proper place? A. Yes, sir.

By Mr. Goff:

Q. Were you ever arrested for the violation of the excise law? A. Yes, sir.

Q. Were other members of the association arrested for violation of the excise law? A. Yes, sir.

Q. Was there any trouble in the association about the members having been arrested while they were paying money to the police? A. It was so; once there was a committee, two members, Mr. Wopelak and Mr. Gluckmann, they had to pay \$190 to the captain; I am not positive of the amount of the money, but it was some money, and that afterward, after the money was paid out, still some of the members of the association got arrested on account of the excise law, and then afterward they spoke in the evening, that maybe the money was not placed in the proper place, and therefore they were arrested.

Q. Do you remember Mr. Sykora saying anything in the association about the money having been paid to the police? A. I am not positive if Mr. Sykora spoke about paying the money, but it was spoken of in the meeting, that the money was put in the proper place.

Q. When you were arrested for violation of the excise law, what was done with you? A. Never, nothing.

Q. What did the policeman say to you? A. I did not know how to speak English, so I took with me an interpreter, and the interpreter told me if I paid \$5 to the detective everything would be all right.

Q. Was the policeman present at that time? A. I gave the money in the hand of the policeman, right next to the courthouse, in a saloon.

Q. You gave the money into the hands of the policeman in a saloon? A. Yes, sir.

Chairman Lexow.—He came right in and took the money from him.

Q. Then nothing was ever done to you; you were not fined? A. Nothing.

Q. Were you arrested more than once? A. No, sir; only once.

Q. Did the policeman there ever sell tickets to you? A. Yes, sir.

Q. Who for? A. I don't know.

Q. How much were the tickets each? A. One dollar.

Q. How many tickets did the policeman sell to you, or wanted you to take? A. Five.

Q. Did you buy them? A. No; only two.

Q. Why did you not buy the five? A. It was bad business; I could not afford to.

Q. That is, your business was bad, and you could not afford \$5?
A. Yes, sir.

Q. Did you ever buy tickets from the policeman more than once? A. No, sir.

Q. Do you know the policeman's name from whom you bought the tickets? A. It was Ward Detective Lang.

Q. Did you ever hear the "pantata" spoken about in the meeting? A. They never said "captain" in the meeting; they always said "pantata."

Q. That is, when they talked about the captain, they always said "pantata?" A. Yes, sir.

Q. Do you remember a resolution being passed in the meeting appointing a committee to go to the great big pantata to get patronage—office? A. No, sir; I don't know anything about that.

Cross-examination by Mr. Ransom:

Q. When was it that you paid the \$5 to Lang? A. I paid \$5 to the detective who arrested me Sunday; it was not Lang.

Q. Then you have made a mistake, or the interpreter has made a mistake in your answer; that he paid a policeman at a place near the courthouse, and the man's name was Lang.

Chairman Lexow.—No; he said he paid the ward detective, Lang, \$2 for tickets.

Q. And he says that he paid to the wardman, Gannon, \$5? A. I never paid Lang \$5.

Q. Did you pay to Gannon \$5? A. Yes, sir.

Q. When did you pay Gannon \$5? A. Soon after I opened my saloon.

Q. When was that? A. I am not positive, but I think April or May, 1892.

Q. Was it paid at your saloon? A. Yes, sir.

Q. Was anybody present? A. No; he was smart enough to be with me alone.

By Chairman Lexow:

Q. He gave it to you in a handshake, you say? A. Yes, sir.

By Mr. Ransom:

Q. When was it you paid the \$2 for tickets? A. That was in the summer time of 1892.

Q. What was the name of the man? A. That was Lang.

Q. Was anybody present then? A. I don't know.

Senator O'Connor.—Mr. Pospisil is here now, Mr. Goff, if you want to ask him.

By Mr. Goff:

Q. Mr. Pospisil is the person to whom you referred and to whom you gave the \$100? A. Yes, sir.

Q. And is this the man (pointing to Mr. Pospisil)? A. Yes, sir.

Joseph Pospisil, recalled on behalf of the State, and testified as follows:

By Mr. Goff:

Q. You were not in when Mr. Kovar was testifying, were you?

A. No, sir.

Q. Mr. Kovar testified that, in response to a resolution of the association, \$100 was subscribed for a present to Captain Strauss and \$25 for a present to his wardman, Lang; do you know anything about that? A. Yes, sir.

Q. That is true, is it? A. Excuse me, if you will let me—

Q. Is that true? A. Yes, sir.

By Chairman Lexow:

Q. Did you say there were two other men—what were you going to say? A. No; I said I wanted to testify the way the matter happened.

Chairman Lexow.—Yes, that is right.

By Mr. Goff:

Q. Mr. Kovar has sworn that he gave \$100 for the captain to you and two other men of the committee, Mirovsky and Cerunda, in his saloon, and \$25 for the wardman, is that true? A. Yes, sir.

Q. What did you do with that \$100? A. The \$100 was given to Captain Strauss for a New Year's present.

Q. Did you give it to him yourself? A. I did.

Q. In the station-house? A. I left it right on the table.

Q. Was it in an envelope? A. In an envelope with letters written on it, "New Year's present."

Q. The captain was at the desk when you laid that down? A. No.

Q. Who was there? A. The sergeant was on the desk.

Q. What sergeant? A. I don't know the name.

Q. Did you tell the sergeant what it was? A. No, sir.

Q. You simply laid down the envelope with \$100 in it, and written on the face of the envelope was for a New Year's present? A. "Captain Strauss, New Year's present."

Q. To whom did you give the \$25? A. I gave that to Mr. Lang; I don't know whether it was \$20 or \$25.

Q. Did you give that into Mr. Lang's hands? A. Yes, sir.

Q. At the same time, the same evening? A. The same time, at the same evening.

Q. Did you say anything to Lang about having given the \$100 to Captain Strauss? A. I don't remember.

Q. How did you come to collect the \$100 for the present? A. We had the money in the treasury.

Q. Did anyone suggest or tell you to get up a present for Captain Strauss? A. It was brought up at the meeting.

Q. Before the meeting was held, did not someone say to you that it would be a nice thing to give the captain a present? A. No, sir.

Q. Who brought it up in the meeting? A. I do not remember, but someone brought it up.

Q. You did not bring it up? A. No, sir.

Q. You were in the chair? A. Yes, sir; excuse me, I don't remember whether I was president or not at that time.

Q. You were on the committee? A. Yes, sir; but I don't know that I was chairman.

Q. Did you ever have a talk with Captain Strauss? A. A couple of times; yes, sir.

Q. Did you ever talk with him about this little present? A. No, sir.

Q. Had you spoken with Captain Strauss before you gave this \$100? A. Not that I remember.

Q. Did you speak with him after you gave the \$100? A. Yes, sir.

Q. And you were friendly with him? A. Yes, sir.

Q. He asked you how the Bohemian saloon-keepers were getting on? A. No, sir.

Q. What did you talk about? A. Once in a while in regard to some matters.

Q. The first time you saw Captain Strauss, what did you talk about? A. The first time I saw him, I identified a party who came there who wanted to be a bondsman for some party.

Q. How soon after you gave the present, did you see Captain Strauss? A. I don't recollect.

Q. You never got that \$100 back, did you? A. No, sir; he refused it.

Q. How do you know? A. Because he wanted to return it; he did not accept it.

Q. He wanted to return it? A. Yes, sir.

Q. How do you know? A. He told me so right to my face.

Q. How soon after you gave the money, did he tell you that? A. A couple of days.

Q. Where was it that he told you that? A. I met him somewhere; I do not know where.

Q. Who brought up the conversation? A. I do not know.

Q. There was nothing in that envelope but the \$100; there was not a letter, was there? A. Yes, sir.

Q. There was a letter? A. "A Happy New Year's."

Q. Was it signed by anyone? A. I don't know; I don't remember.

Q. How did Captain Strauss know that you put the money there when he talked with you about it? A. I don't know.

Q. Did he speak to you first about it, or did you speak to him about it? A. What do you mean?

Q. When you met him a few days afterward, about three days after you left the money there and met the captain, did he speak to you first about the \$100? A. He did.

Q. What did he say? A. He said we should come up and get the money, that he didn't want it, that he refused it.

Q. How did he know that you had left it there? A. I guess he knew that I was the chairman of the association.

Q. How did he know that the association left the money there? A. There must be some name on it of the Bohemian liquor dealers.

Q. Do you not remember what was on the paper? A. No, sir.

Q. You put the letter in the envelope; who wrote that "Happy New Year's?" A. I don't know whether I did that or not.

Q. Who wrote "Happy New Year's?" A. I don't know; all I received was just one single piece of paper with "Happy New Year's present" on it.

Q. Who wrote that? A. I don't know.

Q. Who gave it to you; where did you get it? A. I got it of a friend of mine.

Q. Who was he? A. Mr. Creichie.

Q. Was he a member of the association? A. No, sir.

Q. How did he come to give you a card with "Happy New Year" on it? A. I gave it to him to write it out.

Q. So you told him what to put on the card? A. Yes, sir.

Q. Was Captain Strauss' name on the card? A. I don't remember.

Q. Don't you remember you said, "To Captain Strauss, a Happy New Year, Bohemian Liquor Dealers' Association?" A. Yes, sir; that is right.

Q. And when the captain met you a few days afterward, he said first, you would have to come up and get the money? A. Yes, sir; I told him the association gave it to him with a good will.

Q. Then what did he say? A. Well, he says, "I don't care for it, you had better come down and take it out."

Q. What did you say next? A. I told him to keep it, that the association gave it to him for the good will and he could keep it.

Q. What did he say? A. He walked off.

Q. You never had the money sent back to you? A. No, sir.

Q. And, so far as you know, Captain Strauss kept the money? A. Yes, sir.

Q. You never heard a report in the association that Captain Strauss sent that back to your association? A. No, sir.

Q. And he never gave it to you? A. No, sir.

Q. Did Wardman Lang object to taking the \$25 when you gave it to him? A. No, sir.

Q. Did you give him a card with "Happy New Year's" on it? A. Yes, sir.

Q. The same kind of a card that you gave to the captain? A. Yes, sir.

Q. Was it not Wardman Lang who told you it would be a good thing to put the money in the envelope for the captain? A. It was carried so.

Q. That was the way all the money was taken? A. Yes, sir.

By Chairman Lexow:

Q. That was the usual custom of paying for protection; to put it in an envelope? A. I beg your pardon, Mr. Chairman, this was really just a matter of a present.

By Mr. Goff:

Q. Yes; but was not that the usual custom to put it in envelopes? A. Yes, sir; before.

By Chairman Lexow:

Q. When you first went into the business of paying for protection, did someone suggest to you to put the money in an envelope? A. I don't remember.

Q. How did you first get the idea of putting money in an envelope? A. I do not know.

Q. You had heard that that was the general rumor that everybody else did the same thing? A. Yes, sir.

Mr. Goff.—That is all.

Mr. Ransom.—No questions.

Frank Clarke, a witness, called in behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. Were you in New York during the war? A. Yes, sir.

Q. Were you in New York before the war? A. Yes, sir.

Q. About what years do you remember? A. Eighteen hundred and fifty-nine, 1860, 1861, 1862, 1863, 1864 and 1865.

Q. What was your occupation in New York during those years? A. Gambling.

Q. Were you in the business independently or in connection with a game? A. In connection with a game.

Q. Where did the game run? A. Prince street.

Q. Was that at the "Old General's?" A. The "Old General" corner Prince and Mercer streets.

Q. What position did you occupy in the game? A. Dealer.

Q. Then the game was faro? A. Faro.

Q. How many years were you in that position? A. Three or four.

Q. Where did you board during those years? A. I had my meals at a restaurant and slept or roomed in the house of a minister.

Q. What was his name? A. Rev. C. P. Wilds; Billy Mitchell kept a saloon on the corner of the street, and this was right by the side of Billy Mitchell's.

Q. I think it is fair to presume that the reverend gentleman did not know your occupation? A. No, sir; he did not; I never told him.

Q. What did you pass for in his house? A. Printer.

Q. That accounted for your being out at night? A. Yes, sir.

Q. Then you took your meals at a restaurant? A. Yes, sir.

Q. In this faro game, you had a good deal to do with the men who conducted all the business around there? A. Yes, sir.

Mr. Ransom.—Is it in order for me to inquire whether Mr. Goff intends to go back 34 or 35 years into this thing?

Chairman Lexow.—I suppose, he intends to give a history of gambling in this city and lead up to the present time.

Mr. Ransom.—I thought he had given the history.

Mr. Goff.—We have got through with one history but there are a great number of histories.

Mr. Ransom.—Yes; in the last 30 years there is a history of the war. I know something about that myself.

Mr. Goff.—I mean in connection with the police department.

Chairman Lexow.—I assume that Mr. Goff will skip as much as possible and come down to the point.

Q. Who was the backer of the game there? A. Langdon W. Moore.

Q. And you as the dealer did all the business for him, practically speaking? A. Some of it and a man named John A. Franklin and a man named Bad Cunningham put up the money.

Q. Were you ever visited by police officers? A. Certainly.

Q. Frequently? A. They came around there very often.

Q. What did they come around there for; to play? A. Came around for money.

Q. Do you remember the names of the officers? A. Some of them; yes.

Q. What were they, headquarters men? A. Yes, sir.

Q. So far as your recollection serves, give us one or two names? A. Dusenbury used to be there a good deal and Radford and Kelso.

Q. He was afterward superintendent of police? A. Yes, sir.

Q. He was then a central office detective? A. Yes, sir.

Q. And so was Dusenbury and Radford? A. Yes, sir.

Q. Do you remember Tilly? A. Yes, sir.

Q. Did those officers and others make visits to your place? A. Yes, sir.

Q. Did they receive money? A. Yes, sir.

Q. Who gave them the money? A. Sometimes I did and sometimes the other dealers gave it to them; we put it in an envelope sometimes, and put it behind the bar and the bar tender would give it to them.

Q. Even as far back as that they used the envelope? A. Yes, sir; they done things very boldly then.

Q. Was this money paid to them regularly? A. Yes, sir.

Q. Once a week? A. Once a week.

Q. I suppose they hardly ever missed coming around? A. No, they never missed.

Q. What was the amount paid to them? A. One hundred dollars.

Q. One hundred dollars each week? A. Yes, sir.

Q. Who was the captain of the precinct at that time? A. I do not remember the captain.

Q. Do you remember the sergeant? A. No; I do not; business was done at headquarters; there was no wardmen or captains at that time.

Q. The wardman had not come into existence then? A. No, sir.

Q. It was all done with the headquarters people? A. Yes, sir.

Q. So you had nothing to do with the precinct at all? A. No, sir; none whatever.

Q. All headquarters? A. Yes, sir.

Q. That continued all the time you were running that faro game? A. Yes, sir.

Q. While you were running that faro game, was it not frequented by a number of well-known characters in town at that time? A. Yes, sir.

Q. Was not Dutch Hendricks one?

Chairman Lexow.—Are you going into that, Mr. Goff?

Mr. Goff.—It is a fact that many of that class of people frequented the place?

Mr. Ransom.—Any of the officers implicated living now and on the force?

Mr. Goff.—I do not know. The investigation is not limited to the living officers of the department. The investigation is of the police department as a department, without regard to individuals.

Chairman Lexow.—It is to show the system by which it was conducted?

Mr. Goff.—Yes.

Q. Was not the place frequented by a number of well-known thieves and pickpockets? A. Yes, sir.

Q. Do you remember Billy Vosburgh frequenting that place? A. Yes, sir.

Q. Name a few others? A. Dan Noble, Blacksmith Dan, Tommy Mulligan, Billy Matthews, Hugh Carr and a great many others.

Q. Did you ever see those thieves and burglars and pickpockets pay money to the police, while you were there? A. They used to put the envelopes there.

Q. They used to put the envelopes there? A. Yes, sir.

Q. Did you ever see central office men call and take their envelope the same as they took your envelopes? A. Yes, sir.

Q. Every week? A. Every week.

Q. As a matter of fact the "General's" was, at that time, the most frequented place in New York of that character, for thieves and burglars? A. Yes, sir; that and a place called "Whity Boggs," just below there.

Q. But the General's was the most famous place in New York city of its kind? A. Yes, sir.

Q. And all these thieves, burglars and crooks were in the habit of leaving envelopes there with money for the central office men? A. Yes, sir.

Q. And the central office men got those envelopes, did they? A. Yes, sir.

By Chairman Lexow:

Q. You saw it, did you? A. Yes, sir.

By Mr. Goff:

Q. It was a recognized system and custom that the General's was the place where the money should be left? A. Yes, sir.

Q. And the place where the officers should call for it? A. Yes, sir.

Q. After you left the General's, where did you go? A. I left New York the year after the war.

Q. Where did you go? A. I went west, out on the Union Pacific and the Kansas Pacific road, to Omaha and Kansas City, and other places.

Q. And along the Mississippi valley? A. That was afterward; then from there I went south.

Q. And you followed the Mississippi river for quite a while? A. Yes, sir.

Q. And you followed your occupation of gambling all the time? A. All the time.

Q. On the Mississippi river steamboats and at other places? A. Yes, sir.

Q. For how many years did that continue? A. Until the latter part of 1878.

Q. Where did you go in 1878? A. I left New Orleans in 1878 and came here to New York.

Q. When you came to New York, what business did you go into? A. I was in the same kind of business; only on a different scale.

Q. Where did you go into business then? A. In the Fourth ward.

Q. Were you a dealer then? A. There was no dealing; it was not dealing.

Q. It was a different branch? A. Different branch.

Q. What was it, the bunco game? A. Bunco and three-card monte.

Q. With whom did you go in? A. A man named Parmeley.

Q. Is that the man who is sometimes called Edward Parmeley Jones? A. The same man.

Q. Where was the joint, the headquarters? A. There were four places.

Q. In the Fourth ward? A. Yes, sir.

Q. That was known as the sawdust game, was it? A. No, sir.

Q. That was after, was it? A. No — the sawdust game came after the monte places were closed up.

Q. Tell where the four places were in the Fourth ward? A. One in Chatham square, one next to the bridge; it is torn down now, and one at 21 Chatham street, and one right opposite.

Q. And Parmeley Jones ran all those four places? A. Yes, sir; and one private house; that was a bunco joint in a private house.

Q. And he ran that also? A. Yes, sir.

Q. This bunco game, what was it connected with; was it connected with the green goods business? A. No, sir; a different kind of business.

Q. Tell us what the bunco game was, as practiced from 1878 and 1879 under Parmeley Jones, when he started the business? A. Well, bunco is a different kind of thing altogether; bunco is dealt with a chart; a man goes on the street and hunts up strangers and gets them under some pretense or other, and they have a ticket the same as if they were getting a ticket in the Louisiana lottery, and it is laid down and they draw right then and there.

Q. What means were adopted to get men to go there; was there not a steerer used? A. Yes, sir.

Q. How were the names gotten? A. There are two men, a steerer and what is called an "in-get;" he finds out the man's name, and where he is from, and he goes and tells it to the steerer, and then he approaches the man with his right name and takes him around to the place.

Q. Do you not use the banknote reporter as a guide? A. Yes, sir; for names.

Q. And through the banknote reporter you get the name of some prominent man? A. He introduces himself to the stranger as knowing some prominent man in that man's town.

Q. He gives the name of a bank president there or something of that kind? A. Yes, sir.

Q. And then the steerer would introduce himself as a friend of the bank president in the town out west, or where the man was from? A. Yes, sir.

Q. When the steerer would get the stranger to go to the joint, just tell us what took place there? A. They would take him around there, on the pretense of giving him a present of a book, and the man behind the table would say, "Your ticket is drawn;" and he would say, "How much;" and he would be told 200 or 250, and he would hand him the ticket, and the man who brought the man in would say, "I have no use for this ticket; what can I do with it;" and he would say, "You can draw that and get your money right away;" and he sits down to the table and overturns his chart and says, "Draw out those tickets;" he draws them out, and adds them up, to correspond to the number on the chart, and he draws a prize, and he pays him another

price, and two tickets are given, and he hands one to the stranger, and he draws a small prize, and from that they bunco him up until he draws the capital prize.

Q. What is the capital prize? A. Ten thousand dollars.

Q. When the stranger draws the \$10,000, what takes place then? A. Well, it costs him so much money; he has got a few dollars, maybe \$200, \$300 or \$400 in the pot, as you call it, and then it costs him so much to represent.

Q. That is, to represent against the capital prize? A. Yes, sir.

Q. Against the \$10,000? A. Yes, sir; as he draws it, if he has not money, they take a check for him to represent it.

Q. That is to show that he is worth so much money, to justify the drawing of this prize? A. No; to back up his own money; to save it; he don't lose the money that he has up, only 10 per cent. of the money, if he represents it, but if he don't represent it they take it all.

Q. After that he has to draw to get the capital prize? A. Yes, sir.

Q. And in order to justify, before he can draw the capital prize, he must put up so much money or a check to show that he is good in case he loses? A. Yes, sir; if he does not, he loses it all.

Q. Where they get a check, suppose he draws the capital prize, what occurs then? A. He does draw it.

Q. He is always certain to win? A. Yes, sir; but he has to put up this money before he can take it; before he can get the money.

By Chairman Lexow:

Q. That is the percentage the house gets? A. Yes, sir; then they give him one draw, and when they draw against they count up the numbers and it is a blank, and he losses all.

By Mr. Goff:

Q. Where is that blank number on the chart? A. Down in the corner.

Q. Down in the corner of the chart? A. Yes, sir.

Q. Is that blank number kept out of view or suppressed until the last drawing? A. Yes, sir; it is never mentioned.

Q. It is never mentioned until they get the collateral up? A. No, sir.

Q. And then the blank comes into view? A. Yes, sir.

Q. What occurs when he finds that he has lost the money, supposing he has a check put up? A. When he has a check,

somebody over in the corner is writing out another check; that is, if the man wants his money back or something of that kind; of course, they do; and they have some argument with him, and if he loses a little ready money, \$50 or \$60, they give it to him, the check, and then they pretend to tear up the check and have nothing more to do with him, but his check, in the meantime, is on the way to the bank; if it is on a city bank it is in the bank and cashed before he gets out of the house.

Q. What do they tear up the check for? A. So as not to have it stopped.

Q. So as to give them time to go and get the check cashed before he raises a row? A. Yes, sir.

Q. What you mean to say is this, when they tear up the counterfeit check they want to impress the man with the fact that they are square dealers? A. Yes, sir.

Q. And he thinks his check is torn up? A. Yes, sir.

Q. And, therefore, he didn't go to the bank to get it stopped? A. That is the idea.

Q. How long did you continue in that business in the Fourth ward? A. From 1880 to 1886; not all the time; some of the time it was open and closed, and opened and closed, and opened and closed.

Q. It was backwards and forwards? A. Yes, sir.

Q. And Mr. Parmeley Jones was there? A. He was there about four years.

Q. During that time, while these four or five places were running in the Fourth ward, were you ever interfered with by the police? A. No, sir.

Q. Suppose one of these victims squealed and went to the police; what was done in those cases? A. We had to give up half of that money.

Q. If he went to the precinct, what would the precinct people do? A. Half of the money went to them; they would bring the man around.

Q. That is, the wardman would? A. Yes, sir; to let us know that the man had squealed, and half of that would be sent to the station-house.

Q. Let us see; if a man who was fleeced went to the station-house, then the station-house sent a man around to you and notified you that a man had squealed? A. Yes, sir; that is it. Chairman Lexow.—Who would do that?

Mr. Goff.—The precinct wardman.

Q. Would the wardman ever bring back the victim to the place to identify the men? A. They always came around first to notify us and then we would move out and go to another

place, or some would stay there; it was my business to look after all that business afterward.

Q. What were you called when you looked after that part of the business? A. The trailer.

Q. After a man had squealed, was it not the custom in every case that the wardman went around to you in the first place to tell you that he had squealed? A. Certainly.

Q. Before he brought the victim around? A. Certainly; of course.

Q. And then that gave you time to clear out of that room or to change its whole appearance? A. Sometimes there would two or three remain there, who had not anything to do with the game, and the man would come in and the policeman would ask him to identify the men, and he would say that is not the man; and the policeman would say, are any of these people the men, and he would say no.

Q. The wardman would say that to him? A. Yes, sir.

Q. Did you have any arrangement for changing the furniture and the appearance of the room? A. Yes, sir; sometimes the victim would not know the place at all, because he is always scared after he loses his money; a man is there to scare him, to rush in on him after he loses his money, and tell him that he would be fined and be imprisoned if he didn't clear out.

Q. That was one of your men? A. Yes, sir.

Q. In regard to the furniture of the room, what change did you make in that? A. We would remove the furniture and change it.

Chairman Lexow.—That was the transformation scene?

The Witness.—Yes.

Q. From the time the wardman came around to you, until he brought the victim, all this change would be made? A. Yes.

Q. So, when the victim came in with the wardman, he was not able to identify the place? A. Some men could identify it even if they had changed it, because, after they got scared out, they would come back and look at the number, and some would stand across the street and didn't go away at all, and some would come back two or three weeks after.

Q. In case the wardman came around with the squealer, what was said about the money that was lost? A. There was nothing said; only it was taken out, and, of course, we had to go around to the station-house after that.

By Chairman Lexow:

Q. It was not taken out in the presence of the victim? A. No, sir; he never got anything.

By Mr. Goff:

Q. When the wardman came back with the victim, what was done? A. When he would come back, he would say: "Do you see anybody sitting around here that had anything to do with you;" and he would say, "No;" and then he would say, "Don't you say nothing to nobody or have anything to do with anybody and we will get them, because if the newspapers get hold of it they will let the thing out, so that we can't catch these fellows."

Q. The wardman would say that? A. Yes, sir; and then they took them down and put them aboard the train, and if they needed money they would give him money to get away.

Q. The wardman would? A. Yes, sir.

Q. And where the wardman paid out money for the victim to go home, that was to be paid for by you? A. Yes, sir; but that did not happen very often, because the man who done the playing always made a point to leave the man enough money to get home with.

By Senator O'Connor:

Q. Was it for the interest of the policemen or wardman to have these victims squeal, so they would increase the policemen's share? A. Yes, sir; and along toward the last of it they used to take it all.

Chairman Lexow.—We have not the point where the victim is put on the train and sent home.

By Mr. Goff:

Q. Yes; then what would the policeman do? A. That would be all that was to be done, but there was a little book in, which there was a diagram, and when a man was beat, a great many were beat in a day sometimes, and half of that amount was put into an envelope and given to the station-house.

Q. Was that the invariable rule in every case? A. Certainly.

Q. So, if a victim was fleeced out of \$2,000, you would send \$1,000 of that to the station-house? A. Certainly, if the man said he had lost \$2,000, they would have to have a \$1,000, even if he only lost \$500.

Q. Even though the man only lost \$500 and he said to the police that he had lost \$2,000 the police would insist on your giving up \$1,000? A. Yes, sir; we have to do it if we wanted to do business.

Q. Did any such cases occur? A. Yes, sir; several times along toward the last,

By Chairman Lexow:

Q. You mean by that that the police representative became more rapacious towards the end and wanted more money? A. Yes, sir.

Q. So, that finally instead of contenting themselves with one-half of what you were willing to admit the victim had lost, they wanted it all and sometimes doubled it? A. They did take all.

Chairman Lexow.—Get out more of the detail, Mr. Goff.

By Mr. Goff:

Q. Can you call to mind now, any specific instance, just reflect and see if you can call to mind any particular instance of where men squealed and the amount that had to be given up? A. Yes, sir; I can; several, of course.

Q. Give any specific instance and the date? A. I could not date it very well.

Q. As nearly as you can? A. There was one instance where a man lost \$1,800, and he went off; he was going to England; he was going to Boston, and I was trailing him, and he went down aboard the boat, and he never said a word to nobody; there was a man at that time named Gus Lawrence, who had been hanging around there, and he followed up the man, and he followed him up and he went down there aboard the boat and told him what had been done to him and that he could get his money back; he represented that the man could get his money back and he brought him uptown, and instead of bringing him around to the place, he took him to the station-house and we got wind of it, and —

Q. How did you get wind of it? A. Well, through the wardman that Gus Lawrence had come around there and they wanted part of the money given up and he would not do it so there was quite a great wrangle about it, and finally the wardman said, we should have to give half of that money up, and we would not do it, and then he said, "Well, we will close you up," so we thought it all over and finally half of the money was given up, and he says, "Now, you can attend to that fellow who made him squeal; that Gus Lawrence."

Q. The wardman said that to you? A. Yes, sir; he said, "You can attend to him; he is the man who brought him back, we did not."

Q. What did he mean by that? A. Attend to him for bringing the man off the boat, and making him squeal; he was the man who was in the same business that we were.

Q. How were you to attend to him? A. I don't know how we were going to attend to him; we never saw him afterwards; he went away from New York; he went off.

Q. Did the police attend to him? A. No, sir; he never could be found afterwards; he didn't show up anywhere; the man went away the next evening.

Q. This man Lawrence had accompanied the victim to the station-house for the purpose of getting the money out of you? A. Yes, sir.

Q. Did you never hear of Lawrence after the wardman came and told you that? A. Never afterwards until he was on trial two or three years afterwards in the United States courts for counterfeiting or something of that kind.

Q. What occurred between the time that Lawrence went to the station-house and the last time you heard of Lawrence, that prevented him from coming and making good his claims against you? A. He got frightened, when they would not listen to him; they took the man away from Lawrence; the wardman did; and drove Lawrence off and brought the man around to the place.

By Senator O'Connor:

Q. In other words, the police got it instead of Lawrence? A. Yes; and he got nothing.

By Mr. Goff:

Q. Do you remember any other case? A. Well, no; I recollect a case of a Catholic priest.

Q. Well, what about him? A. He took all the money after he was beat; after he was beat he grabbed the bank-roll, a thousand dollars, and there was a great muss around there, and one thing and another, and finally they got the \$1,000 from him and gave him his money back.

Q. How much money had he been fleeced out of? A. Two hundred and sixty-five dollars.

Q. But you say, in addition to that, he grabbed the roll of \$1,000? A. Yes, sir; he grabbed it all.

Q. Where did he come from? A. Brighton, Mass.

Q. Had you any trouble with the police over that case? A. A good deal of trouble over that.

Q. Tell about the trouble that you had over that? A. There were some arrests made over that and the joints closed up for a couple of weeks.

Q. Who were arrested? A. A man named Shorty and two or three more.

Q. Were you arrested? A. No, sir.

Q. Did they ever go to prison for it; were they convicted? A. They were not convicted; no, sir; because he went off home back to Boston and did not appear.

Q. What was the trouble with the police; what transaction did you have with the police about that case? A. All there was about it, we were told to close up for a while, until things got smoothed down; that we ought to have known better than to do anything of the kind; that the ward was not given up for that; the consideration was that we were not to beat any citizens or ministers or priests or anything of that kind.

Q. Then, the understanding was that you were allowed to do business on condition that you were not to beat any citizen of New York? A. Yes, sir.

Q. Or ministers? A. Yes, sir.

Q. Or priests? A. Yes, sir.

Q. That is what the police made trouble with you about? A. Yes, sir.

Q. Who told you that; what police official told you that? A. Why, that was the consideration when the ward was bought.

Q. When the ward was bought? A. Yes, sir.

Q. What do you mean by the buying of the ward? A. We had to put down some money first to get in there.

Q. And, in this particular case, you were told that you ought to have known better than to take in this clergyman? A. Yes, sir.

Q. And then you had to shut down? A. Yes, sir; we pretended that we did not know who he was; he was dressed like a business man; he stopped in a hotel on Chatham street and changed his clothes afterward and put on his real clothes.

Q. He put on his ministerial clothes? A. Yes, sir.

Q. How much did you get as a share of the proceeds; what was your compensation for your work? A. I got 15 per cent. and \$10.

Q. Ten dollars for each victim? A. Ten dollars a day.

Q. And 15 per cent. of the amount of money taken in? A. Yes, sir; after the expenses were taken out.

Q. What were those expenses? A. We had to hire the place and we gave \$5 or \$10 a day for that for rent, the barroom and sundry expenses.

Q. Any other expenses? A. Only the expenses of the station-house, of course.

Q. The police station-house? A. Yes, sir.

Q. Was that an item of expense that was taken out of the proceeds? A. Yes, sir.

Q. How much was taken out? A. One hundred dollars.

Q. One hundred dollars a week? A. Yes, sir; \$100 a week.

Q. Besides these divisions? A. Certainly; yes, sir.

Q. Did that \$100 a week cover the four places? A. Yes, sir; those four places; we only played in one place at a time; we moved from one place to another.

Q. So, the \$100 covered everything? A. Yes, sir.

By Chairman Lexow:

Q. You bought the right to do business in that ward? A. Yes, sir.

By Mr. Goff:

Q. Do you know if there was any money paid in advance for the right to do business in that ward? A. Why, certainly.

Q. How much; do you know? A. I think Mr. Parmeley paid \$500, so he said; I paid my part of it afterward.

Q. You had to pay your part of it? A. Yes, sir.

Q. It was taken out, deducted? A. Yes, sir.

Q. Who was that money paid to? A. That went into an envelope and was taken up to a man named Divver, a saloon-keeper.

Q. What was his first name? A. Patrick Divver.

Q. Where did he keep his saloon? A. Next to Spellman's hat store on Chatham street.

Q. Who is this Patrick Divver? A. He kept a barroom there then.

Q. Do you know if he keeps a barroom now? A. I don't think he does.

Q. Do you know what business he is in now? A. I think he is a police justice; I don't know; they say he is.

By Chairman Lexow:

Q. Did this envelope bear any address; was there anything marked on the back of it? A. No, sir.

Q. No name on it? A. No, sir.

By Mr. Goff:

Q. It was part of the system? A. Yes, sir.

Q. And that was the place where the business was conducted? A. Yes, sir; that is where the gang spent all their money.

Q. Did you frequent that place? A. Yes, sir; and sometimes we spent \$300 or \$400 a night there.

Q. That is, when you would have a good day? A. Yes; I don't mean alone; I mean among the party.

Q. I suppose some days you had more than one victim? A. Yes, sir; as high as 20.

Q. Do you remember the highest sum that was ever taken in there from any one day's proceedings? A. I guess, \$3,500.

Q. Did you ever see Parmeley Jones in this saloon of Divver's? A. Oh, yes; yes, sir.

Q. Often? A. Most all the time, when he was not doing other business, he was there.

Q. When you speak of doing other business, you mean the business that you have spoken of here? A. Yes, sir.

Q. In other words, when he was not engaged in the bunco business, he was in that saloon? A. Yes, sir; he attended to the bank-roll and one thing and another.

Q. He circulated around between those four places? A. Yes, sir; the bank-roll was put in Divver's place every night; the bank-roll that we played with.

Q. The capital on which you did business was deposited in Divver's safe? A. Yes, sir; in his saloon.

Q. Speaking of Divver, do you know who it was that gave Parmeley his first start there? A. Who started him up in business, do you mean?

Q. Yes? A. It was him.

Q. Who? A. Divver; because he came here to New York a dead stranger; there were plenty of other people who wanted to get there and could not.

Q. Parmeley was a stranger here? A. Yes, sir.

Q. Do you know how much Divver advanced to Parmeley? A. I do not.

By Chairman Lexow:

Q. Were you associated with Parmerly from the beginning? A. In the monte business I was.

By Mr. Goff:

Q. Do you know if Parmeley paid any money to Divver, as part of the proceeds of this business? A. Do I know it?

Q. Yes. A. In what way do you mean, paid?

Q. Divided the proceeds? A. I never saw them come right out and divide.

Q. What is your knowledge on that subject? A. I have seen them exchange money, often.

Q. Exchange money with Divver? A. Yes, sir; certainly.

Q. What do you mean, give him money or receive money? A. Receive and give both.

Q. Was the envelope business brought in to play then, was money given in the envelope or exchanged openly? A. No; above board; paid right over the bar.

Q. In large amounts? A. Yes, sir; sometimes.

Q. Can you say if these exchanges of money, was the result of the bunco business; anything connected with that? A. I would not want to swear to that, for I don't know positively, and I don't want to say anything that I don't know.

By Chairman Lexow:

Q. In making up this settlement, your percentage was computed upon the total amount, was any of the amount given to Divver? A. I always thought so.

Q. Do you know anything about it? A. I can't say positively; no.

Q. Did you say, at any time, that any part of the gross proceeds went to Divver? A. Sometimes in the making out of all the names and everything like that, and when night came, I would give every man his money and keep my own, and hand the money to Parmeley, and he put it in an envelope, and would go up to Divver, and then Shorty would hand me the bank-roll, and sometimes I would take it, and sometimes Shorty would take it, and sometimes Parmeley, and it was put in the safe at Divver's.

Q. Was Divver present when it was put in the safe? A. Yes, sir.

Q. Did he receive the money and put it in the safe? A. The bartender generally did.

Q. That was done every day, from day to day? A. Yes, sir; night after night.

By Mr. Goff:

Q. Did you ever overhear Parmeley say anything about the money that he had given to Divver or what he had given it to him for?

(Objected to. Objection overruled.)

A. No.

Q. Do you remember one occasion when Parmeley waived a roll of bills in his hand and handed them to Divver and he told you what he had handed that roll of bills to Divver for? A. No; I do not; I was with him one Saturday, drinking a little and he pulled out an envelope and said, "That is pretty fat; a good deal of squeal and one thing and another, and it is hard money to give up;" that is the remark he made when he went in, and it was handed to the barkeeper and it was put up one side.

By Chairman Lexow:

Q. I thought you said that the money that was given up on account of the squealer was sent to the station-house; now you say it was sent to Divver's saloon, which was it? A. This was

not the squeal money, the squeal money was always sent to the wardman.

Q. You said a moment ago in speaking of this envelope that squeal and everything had made it a fat envelope, and it was hard money to give up? A. He didn't tell me what it was; it was some private transaction between them; then I took it it was not business that I had anything to do with.

Q. You did not mean to say that any part of the squeal money was in the envelope? A. No, sir.

Q. But that he had paid out so much money for squeal money and it was hard to give this up in addition? A. Yes, sir.

Mr. Goff.—That is what the witness stated to Parmeley that it was hard money to give up after so many squeals.

Mr. Ransom.—I thought Parmeley said that to him?

Mr. Goff.—I think not.

By Mr. Goff:

Q. You saw that envelope handed over the bar to the bartender? A. Yes, sir.

Q. Were you ever troubled with the headquarters man? A. No, sir; once in a while a man who had been beat would go up to headquarters and they would bring him down.

Q. What took place then? A. Then the money had to go there.

Q. The money then had to go to headquarters? A. Yes, sir.

Q. In other words, if the man who was beat went to the station-house the money would have to go to the station-house? A. Yes, sir; and if he went to headquarters it went to headquarters, and the station-house got nothing then.

Q. Do you remember any man from police headquarters; can you call to mind any man who came down with the squealers? A. Mr. Heidelberg was the man who usually brought them down from headquarters.

Q. Can you state if, on every occasion that Heidelberg went down there, that half of the money was sent to headquarters? A. Yes, sir; that is where it went.

Q. By whom was it sent? A. I did not carry it, but I have taken it out.

Q. To whom did you give it? A. The money was turned over to Mr. Parmeley for that purpose.

Q. And Parmeley did the business? A. Yes, sir.

Q. At headquarters? A. Yes, sir.

By Chairman Lexow:

Q. With whom? A. I do not know; I didn't see it; Heidelberg used to bring the men down and go through the same operandi as the wardman did.

Q. And no arrest followed? A. No arrest.

Q. But the money was taken out of the business and given to Parmeley for the purpose of making the divvy to headquarters? A. Yes, sir.

Q. And you say Heidelberg was the man who generally brought down the squealers? A. Generally; sometimes other men.

Q. Do you know to whom the complaints at headquarters were made, which preceded the coming down of the detective? A. I do not.

By Mr. Goff:

Q. Do you know if there was a conflict between the wardman and the headquarters man, about the squealing business? A. There used to be some.

Q. What was the reason of the trouble between them? A. I don't know what the reason was, exactly; I suppose it was because they didn't get anything.

Q. Don't you know that the wardman sometimes said to you or to the men in the place, in your hearing, that he did not want such and such a case to go to headquarters? A. They didn't want none of the cases to go to there if they could help it, because it was money out of their pockets.

Q. Out of the wardman's pockets? A. I suppose so.

Q. And if the case went to the station-house, in the precinct, you would never hear from headquarters about it at all? A. No, sir.

Q. And if it went to headquarters, you would not hear from the station-house? A. No, sir.

Senator O'Connor.—This witness is willing enough; I would not lead him; this is a serious matter.

Mr. Goff.—I wanted to get that point out.

The Witness.—I am not afraid; I am telling the truth.

By Chairman Lexow:

Q. To sum up the situation, you paid regularly \$100 weekly? A. Yes, sir.

Q. To the station-house? A. Yes, sir.

Q. And, in addition to that, you gave up one-half of all the money that you had received from squealers? A. Yes, sir.

Q. In case it was the central office who got the squealer you gave it to them? A. Yes, sir.

Q. And in case it was the wardman who got the squealer you gave it to him? A. Yes, sir.

Q. Then it was for the interest of the central office, to get squealers? A. Yes, sir; and they did along towards the last; they made everybody squeal.

Q. And broke up the business? A. Broke up the business — well, not exactly, because there was a change of administration slightly.

By Mr. Goff:

Q. Can you remember the names of any of the wardman from the Fourth precinct that used to go around to your place at that time? A. A man by the name of Carr was one.

Q. Wardman Carr? A. Yes, sir; he done a great deal of business.

Q. Do you remember what captain was there? A. I don't remember; Murray was captain or inspector; I think Meeken was sergeant at that time, and, I think, Murray was either inspector or captain.

Q. Did you do business in any other ward in the city? A. In the First, and Fifth and the Eighth and in the Bowery.

Q. Do you remember the captain who was in the precinct in the First ward, when you did business there? A. Not when I was there; there was only one man who had that ward and he is dead and gone; his name was Wall; he stayed in one place a number of years.

By Chairman Lexow:

Q. When you speak about his having that ward, do you mean to say that he had pre-empted the rights of that ward to do that business? A. Yes, sir; and nobody else could enter there; if a strange man went over there to get anybody, he would be taken up in a minute.

Q. Was that true of all other wards in the city? A. Yes, sir; the same all over the city.

Q. What ward had the best reputation for being the safest ward to work in? A. The First ward.

Q. Has that big advantages over the other wards? A. It had, I suppose.

Q. What were the advantages? A. They had better protection; there was not so much robbery and stealing; everything went along smooth in a way and a man got his money there; there was not so much squealing.

Q. There was not so much squealing? A. No; they didn't have to move about from place to place and the places were never closed up.

Q. Do you remember the captain's name who was in the First ward at that time, when Wall ran the business? A. Captain Berghold was the last man who was there.

Q. Did that business run in that First ward while Berghold was captain? A. Yes, sir; and Wall died when Berghold was captain.

Recess, until 2:30 p. m.

AFTERNOON SESSION.

June 19, 1894.

Present, the Senators and counsel as before.

Frank Clark, recalled, and further examined:

By Mr. Goff:

Q. Have you told us, Mr. Clark, all you know about the bunco game? A. I think I have; yes, sir.

Q. Well, you were engaged in the three-card monte business; were you not? A. Yes, sir.

Q. Where; what part of the city did you carry it on? A. In the Fourth ward.

Q. At the same time that the bunco business was carried on? A. Yes; that was carried on at the same time.

Q. Was Parmeley backing that, too? A. Yes, sir.

Q. He was backing the three-card monte business? A. Yes, sir.

Q. Do you know Tony Martin? A. Yes, sir.

Q. He was a partner of yours, wasn't he? A. Yes.

Q. And he was shot afterward? A. Yes, sir.

Q. He was one of Parmeley's men, too? A. Yes.

Q. Did you ever see this Mr. Divver, you spoke of before recess, in the joint? A. Have I ever seen him in there?

Q. Yes. A. Oh, yes; I have seen him in there.

Q. Frequently? A. Not in the back part; in the front part of the place there; came in to get a glass of beer, or something of that kind.

Q. There was a bar-room in there, too; was there? A. Certainly, a bar-room and eating place in behind, in the back; in back of the bar-room.

By Senator Cantor:

Q. You are speaking of Mr. Divver's saloon, now? A. No, sir; it is called the joint.

By Chairman Lexow:

Q. Where did you do the business? A. In the joint; in the back part.

Q. In the restaurant? A. Yes, sir.

By Mr. Goff:

Q. Well, in the other three places, were there bar-rooms in each of the other three places? A. All but one; one was fitted up as a railroad office.

Q. As a railroad office? A. Yes, sir.

Q. Was that where the Parke House was? A. No, sir; the Parke House was where they used to sleep, some of them, a good deal and stay there.

Q. Do you remember the names of any police officials that you have not mentioned to us with whom you were brought in contact when you was doing this business? A. No, sir; I do not.

Q. How many years have you been out of this business, now? A. It was in 1886, or 1887, or thereabouts.

Q. You left it then, did you? A. I left here after all the things were closed up, and five weeks I was in the sawdust business, and I drew out, and went away.

Q. You were in the sawdust business? A. I was in the sawdust business six weeks or two months.

Q. In the Fourth ward, too? A. Yes, sir.

Q. Was Parmeley the one that was behind that, too? A. Yes, he got that up; that was the first time I knew he was in that business; after the monte-bunco joint was closed up in the Fourth ward, he started in that.

Q. What closed up the business in the Fourth ward? A. Walsing went out of office, and Murray became superintendent.

Q. They were closed up after that? A. Soon after; once in a while they were opened up but they had to close up; they opened two or three days, and scattered around; they drove them around.

By Senator Cantor:

Q. Do you remember what year that was, Mr. Clark?

Chairman Lexow.—Eighteen hundred and eighty-seven; 1887, you say; 1886 or 1887?

A. Yes, sir.

By Mr. Goff:

Q. You have been leading an honest life since — the last two or three years? A. Yes, sir.

Q. What crooked business did you go into, if any, after you left the sawdust business in New York? A. I went to Canada, I think, down east, and New Hampshire, and one thing and another, and came back to Boston.

Q. What did you work at there? A. Worked at my trade, the rubber business.

Q. I understand you to say you left the crooked business altogether after you shut down in the Fourth ward in the sawdust business? A. Yes; after I left here and went east.

Q. You quit that, and went to your trade? A. Two or three years after, or a year and a half after.

Q. You did not go into the crooked after that? A. No, sir; I did not.

Q. And you have been leading an honest life since? A. I have,

By Chairman Lexow:

Q. Do you mean to say that the mere change of superintendents had the effect of closing up all these joints? A. It seemed to, the way things were worked, that way; I do not know that it was though; but it looked that way; there wasn't nothing of that kind that went on under protection in that ward, and all the rest of them, because when one ward closed down they all closed down.

Q. Do you mean Superintendent Murray stopped the payment of protection? A. That I don't know, sir; I am not sure.

By Mr. Goff:

Q. Do you know this man sitting behind Mr. Jerome, here? A. I think it is George Appo, if I am not mistaken; I have not seen him in seven or eight years.

Q. Is this George (the former witness standing up)? A. Yes; I would swear it was him.

Q. Did you ever meet him in your business relations? A. Oh, yes; often.

Q. He was well known in that business, wasn't he? A. Yes, sir.

Q. You met him all over? A. Yes, sir.

Q. And during the years that you carried on the various lines of crooked business that you have described here in New York you were never arrested? A. I never was arrested but once; I was arrested once and locked up at headquarters; that was after all these things had been closed up.

Q. After you were all closed up you were arrested? A. Yes.

Q. What became of that arrest? A. I was discharged in Jefferson Market in the police court; I was locked up in headquarters over night.

Q. What charge was you arrested on? A. I went down after these things closed up; I bought some watches and cheap jewelry, me and another young man; and we stopped in Theo. Allen's place, and in there he showed some of the jewelry around, and a girl in there went to Police Headquarters about it; it was shortly after the jewelry store in Brooklyn had been burglarized; and the two headquarters men came in to Theo. Allen's saloon and said, "We want you two;" and I told them where I got my jewelry, and I had my bill with me, and they kept me all night, and discharged me in the morning.

Q. But it was a fact that while you were running the bunco game and the three-card monte game and other kind of crooked business, and sawdust games in New York, you were never arrested? A. Never.

Q. You were known to the police? A. Yes, sir.

Q. They saw you every day? A. Yes, sir.

Q. And they knew your business? A. Yes, sir.

Senator Cantor.—I think at that time we had a bi-partisan police commission.

Mr. Goff.—Possibly they looked by-ways at it.

Senator Cantor.—I suppose they must have.

Chairman Lexow.—Is that meant as a palliation or excuse for what occurred?

Senator Cantor.—The Republican commissioners can answer better to that than I can.

By Chairman Lexow:

Q. Was Appo known to the police as being engaged in that business at that time? A. Well, partly he was; I think he was partly at that time, and partly in something else; I could not swear; but I think he was in that.

Q. It was a well-known, notorious fact, not only in your own business, but among the police, that he was engaged in that kind of business at that time? A. Yes; that and something else.

Q. And it was also a notorious fact to the police that you were? A. Yes, sir; of course.

Q. As well the policeman on the beat, as well as the policemen at the station-house and central house? A. Yes, sir.

Q. There was no attempt to conceal that fact at all? A. No, sir; none whatever.

Cross-examination by Mr. Ransom:

Q. How old are you? A. Fifty-two.

Q. Where were you born? A. Providence, R. I.

Q. According to your testimony this morning, you had a somewhat interesting criminal career, and Mr. Goff asked you if you had ever been arrested, and you said once; is that the only time you were arrested? A. Well, I have been arrested several times; yes, sir.

Q. Have you, in the course of this — A. I was never arrested in New York but once.

Q. I understood you to say you had never been arrested but once; have you ever been convicted of crime? A. No, sir; I have not.

Q. Have you ever been indicted for crime? A. No, sir.

Q. You spent pretty much all of your life in New York, from 1859 to 1865? A. I was in New York from — I came here; the first year I came here I worked in Lovejoy's hotel for a year, corner of Park row and Beekman street —

Q. I did not ask you that? A. About seven years, then.

Q. You were there about seven years at that time? A. Yes, sir.

Q. And you went up and down the Mississippi river gambling? A. I went west; yes, sir.

Q. And your business was gambling up and down the river?

A. Yes, sir; "sure thing" gambling.

Q. You never gambled, except in what you regarded as a sure thing? A. Yes; I have; and lost thousands of dollars.

Q. How did you come here to testify as a witness? A. Sir?

Q. How happened you to come here and testify as a witness? A. How did I come to testify here?

Q. How happened you to come here to testify as a witness? A. Because I was beat out of a lot of money.

Q. You are here to get even with somebody? A. Not exactly that.

Q. Isn't that the real reason you came here to testify? A. No, sir; it is not; I was mistreated all the way through; I was tried to be sent to State prison and made a tool of for the benefit of somebody else.

Q. That is the reason you are here to testify? A. Yes, sir; I suppose it is, partly.

Q. What other reason is it? A. I don't know that there is any other; I am telling the truth, though.

Q. I have not intimated or mentioned it, that you were not; the committee will pass on that; do you know whether any of the police officers, whose names you mentioned this morning, to

whom you paid money 35 years ago in this city for protection in gambling-houses are now alive? A. I think so; I do not know but Radcliffe is alive; I don't know but Kelso is alive.

Q. Kelso is dead? A. I don't know whether Dusenberry is alive or not.

Q. You have not seen these men in many years? A. Well, when I was on a visit to New York, and stayed a couple of days, I think I saw Radcliffe and had a talk with him.

Q. Can you tell when that was? A. I think he was in Wall street that time.

Q. When was that? A. It is since I went away; I came on a visit here and stayed two days.

Q. I am asking for dates? A. I can not remember the dates.

By Chairman Lexow:

Q. How many years ago? A. It was after I left here, and went away, and came back; 1890—I don't know but it was 1890; I could not swear to it; I know I had a talk with him.

Q. About 1890? A. I think it is if I am not mistaken.

By Mr. Ransom:

Q. You say it was about 1890 you saw Radcliffe and had a talk with him? A. I won't swear it was; no; I won't; I know I saw him and talked with him.

Q. You testified this morning to a great many incidents in your career of crime in this city, of your relations to business, and different persons connected with your business, as of personal knowledge; do you mean this committee to understand that all you have said this morning to them you know personally, as facts? A. I do; yes, sir; I do.

Q. Now, let us see about that? A. Yes, sir.

Q. You said at some 30 or odd years ago, when you were a dealer of faro at a place called the "General's," that certain thieves, pickpockets and other criminals were in the habit of coming there to gamble? A. Yes, sir.

Q. And that they left money there for the police? A. Yes, sir.

Q. Tell me all you know of your personal knowledge? A. They were not so careful in those days as they are now.

Q. Answer the question? A. That is the way I knew; they would wrangle over it; they would ask for a certain man; where is he; why don't he come to me, and so and so; and they said, "there is your money behind the counter; what are you kicking about?"

By Chairman Lexow:

Q. You mean the police would come in and ask where the money was? A. Certainly.

By Mr. Ransom:

Q. There are some things unaccountable in the nature of things; 35 years ago this man is testifying about; give me the name of a single thief or criminal that left money for a policeman, and the name of the policeman that came there and wrangled about it? A. Yes; I will give you the name of them two; Henry Heinrichs, Dan Noble; there are two; Sharkey is another one.

Q. Those are the thieves? A. Yes, sir.

Q. Give the names of the police officers? A. Hogan and Dusenberry.

Q. You mean to say Dusenberry and Hogan? A. Yes; Chris. Hogan.

Q. You mean to say Hogan and Dusenberry came down there and had a wrangle with these thieves about money? A. Not only once, but several times in my hearing; they used to come in there and gamble, the same as everybody else did.

Q. Anybody else; that is what your house was for; can you remember any other incident connected with the episode that you speak of, of Hogan and Dusenberry, the police officers, wrangling with Dan Hogan and somebody else about the money? A. Yes; I can recollect the time when Chauncey Johnson and Heinrichs went in Wall street, and got two bags of gold; and they came to the "General's" after Heinrichs; they gave the gold and they returned it, and Chauncey Johnson was let go.

Q. Who was Heinrichs? A. He was a bank thief in Wall street; Johnson was arrested.

Q. Who was Johnson? A. A man of the name of Chauncey Johnson.

Q. Another thief? A. Yes.

Q. How do you connect those two thieves and two bags of gold with the police? A. Because they came there and got it.

Q. Who did? A. The police.

Q. And they came there to look for the swag? A. Yes, sir; it was given to them to let this man, let loose the man that was arrested.

Q. You mean the police took the gold for themselves? A. Yes; took it and gave it to the bank.

Q. To your knowledge, in that instance, they did their duty? A. Yes; except they let the man go; it was given up on condition that this man should be turned out of the station-house.

Q. I don't know whether you are testifying from personal knowledge; I would like to restrict you from your own knowledge? A. I do know it from my own knowledge.

Q. How is it possible you can know from your own knowledge that the police let the thief go? A. Well, he was out; he was back there when the gold was turned back.

Q. That was your conclusion? A. Yes; of course.

Q. You don't know from your own knowledge; you simply adduce it from the facts you know? A. Yes, sir.

Q. Isn't that so with the most of your evidence? A. No, sir; not the most of it; it is not.

Q. You told Mr. Goff that your office and service in this business of buncoing was that of a steerer? A. Sometimes — no, sir; not at all times; trailer, I said.

Q. I understood you to say you were the steerer? A. Part of the time, I was put on to be a trailer when there was so much squealing going on; so much money went to the policemen.

Q. By your evidence you have very seriously implicated a well-known citizen and official of this city? A. Yes, sir.

Q. One Divver; do you mean to testify on your oath that the facts which you had related in regard to Mr. Divver are true of your personal knowledge? A. I do; yes, sir; my personal knowledge; yes, sir.

Q. You then testified that you had seen Parmeley divide some part of his gains in the business of buncoing with Patrick Divver? A. I said I see him pass and exchange money, from time to time again, and the money was put from the bank in the safe in the evening at nights.

Q. Is that what you meant to say about Divver; did you mean to say anything else implicating Divver? A. I don't know.

Q. You have said other things; perhaps you have forgotten them; you have testified in substance, as I recall it, that Mr. Parmeley gave to Mr. Divver some portion of the gains of this business for himself; made some division with him; do you mean to testify to that on your own personal knowledge? A. Yes, sir; I do; yes, sir.

Q. Tell me how you know it? A. Sir.

Q. How do you know it? A. I see the money taken up there; I counted the money out.

Q. Taken up there is very indefinite; if you have seen Parmeley pay to Divver money, hand him money? A. Yes, sir.

Q. Do you mean that? A. Sir; I seen them exchange money.

Q. Why do you say sir, in answer to my question? A. I have seen him hand him money; yes, sir.

Q. Have you seen him pay him any share of the winnings or gains of that business? A. I can not swear to that; no, sir.

Q. What? A. I wont swear to that right out; no, sir; I wont; I never said there was a division.

Chairman Lexow.—He added to that he said he never said there was a division. He absolutely refused to say directly. Speak up so he can hear you.

Mr. Ransom.—I can hear him now; but I could not hear him on his direct examination.

Mr. Goff.—He says he agrees with you that he refused to say it to his personal knowledge.

Chairman Lexow.—Yes.

By Mr. Ransom:

Q. All you have to say about Divver is your conclusion and inferences from certain incidents and facts he said this morning?

A. That is all.

Senator Cantor.—Let the witness testify.

Chairman Lexow.—I do not think the witness understood the question. The witness has testified he did see the money that was taken in there and put in Mr. Divver's safe.

Mr. Ransom.—That was not my question.

Chairman Lexow.—You asked him substantially whether he testified to everything on hearsay.

By Mr. Ransom:

Q. You heard what the chairman has said in the way of comment on your evidence; have you anything to change in that evidence? A. In this way: I know the money was taken over; the bank money was taken over at night and brought out in the morning.

Q. By the bank money you mean that the money which backed the game was taken there? A. Yes, sir; that was used to play there.

Q. Was taken there and put in the safe, and taken out in the morning? A. Yes, sir.

Q. And the money was given to the barkeeper to put in the safe? A. Yes, sir.

Q. Is that Divver's only connection, according to your personal knowledge? A. That is all I know about it.

By Chairman Lexow:

Q. Was not Mr. Divver present on these occasions when this bank money was handed over for deposit in the safe? A. He was not always there.

Q. Was he there on any occasion? A. Yes; he was.

By Senator Cantor:

Q. The bartender was there all the time? A. Yes.

Q. It was a public saloon? A. Yes.

Q. This money was handed to the bartender or Judge Diver to put in the safe? A. Yes; that is all.

Mr. Ransom.—Gentlemen, shall I go on?

By Mr. Ransom:

Q. You testified that the ward was bought for a hundred dollars for a week, and that Parmeley paid \$500 in money? A. Between \$400 and \$500.

Q. Do you wish to change that? A. No; \$500.

Q. Did you see the money? A. I did; yes, sir.

Q. Will you answer me; why do you say sir to my questions; don't you hear me? A. Yes, sir; I hear you.

Q. Please answer my question; you saw the \$500? A. Yes, sir.

Q. You testified that \$500 was taken to the station-house; who took it there? A. The wardman.

Q. Did you see him take it there? A. Sir?

Q. Why do you say sir? A. I did not; I did not see him take it there.

Q. Did you not testify this morning, on positive personal knowledge, that the money was taken to the station-house? A. It was taken to the station-house.

Q. How do you know? A. Because we run right along, I suppose.

Q. You inferred it was taken there because you run right along? A. My part of the money was taken there.

Q. What I want to get is your personal knowledge? A. No, sir; I did not take it there.

Q. You don't know really that it ever went there, do you, of your personal knowledge? A. No personal knowledge, because I did not take it there.

Q. Will you say you know it ever went there from personal knowledge? A. No, sir; I do not.

Q. You mentioned, in your direct examination, the payment of some money to a man of the name of Heidelberg—I am mistaken; I withdraw that; you mentioned that Heidelberg, a detective from headquarters, brought a squealer down to the game; that, I think, is your testimony; is that right? A. Yes, sir.

Chairman Lexow.—There were a number of them.

Q. Yes; No. 1 I have in mind; did he bring more than one squealer to the game? A. Yes, sir; several times.

Q. You testified that half of the money which the squealer said had been won from him was paid over to Heidelberg for headquarters? A. I said the money went to headquarters.

Q. How do you know it went there? A. Because it was put on the tab.

Q. Because it was put on a tab in your place of business? A. Yes.

Q. It was charged down there as going to headquarters? A. Yes, sir.

Q. That is all you know about it? A. Yes, sir.

Q. You did not see anybody take it there? A. No, sir.

Q. You did not see it delivered? A. No, sir; I saw it taken out.

Chairman Lexow.—I understood the witness to say Parmeley did all that business.

The Witness.—That is what I said; that is what he did do.

Q. I will ask him about that; you encouraged the witness to testify as to hearsay, and that is admissible; I submit I only want the witness' personal knowledge; the chairman suggested Parmeley attended to all that business? A. He did, sir.

Q. Do you know of your own personal knowledge that Parmeley ever took a dollar to headquarters? A. I do, sir.

Q. Did you go with him? A. No, sir; I did not go with him.

Q. How do you know he took it there then? A. Well, I seen it; I seen him give it up.

Q. You saw him give it up to the police official? A. Yes; I have.

Q. Did you? A. Yes; I have.

Q. Let us find out when it was, and who it was received it; when did you see Parmeley give up any money to a police official? A. Well, he always done that; he always gave it up; gave up the envelope; that was his business.

Q. When did you see Parmeley give any money? A. I could not tell the day and date.

Q. Give me the year? A. It was along in 1885 or 1886.

Q. That is not so long ago; you have been testifying very fully in regard to matters 35 years ago? A. Yes, sir; I could testify better then than I could now.

Q. Can you remember any nearer than 1885 or 1886, when Parmeley gave up money to a police official? A. Well, I saw him give it up; the money used to be counted and put in an envelope, and he took it after and put it in his pocket.

Q. You haven't any idea that you are on trial? A. Then I misunderstood you.

Senator Cantor.—He just answered your question.

Mr. Ransom.—Gentlemen, I heard his answer.

Senator Cantor.—He said he never saw it done; he saw Mr. Parmeley take the envelope and go off with it.

By Mr. Ransom:

Q. I understood what he said; the only knowledge you have upon that subject is what you have just said? A. That is all, sir.

Q. That is all? A. Yes, sir.

Q. You testified that a man of the name of Ward or Wall had the First ward? A. Yes.

Q. And that he bought it and paid for it? A. Yes; had it a long while.

Q. Do you know that of your own knowledge; or do you know it because somebody told you? A. I know nobody else could go there.

Q. Isn't this the fact that you have what we business men call a business knowledge, but no personal knowledge of these facts? A. No personal; not down there; no, sir.

Q. Let me ask you, did you personally ever yourself pay to any policeman or police officials in your city money to protect you or your confederates in your public business? A. Never; no, sir; I did not; it was not my business to do it.

Mr. Ransom.—That is all.

Redirect examination by Mr. Goff:

Q. Now, when you say Parmeley gave up the money is it not a fact that you, being interested with Parmeley in the business— A. Yes, sir.

Q. Had knowledge that so much money was taken out of the business for police protection? A. Why, certainly; I had to stand my part of it.

Q. You paid your part of that money for police protection? A. Certainly, I did.

Q. And you also know that where there was a squealer and money had to be given up that that money was taken out of the proceeds of the business? A. Certainly; half of it.

Q. And given for the police? A. Yes.

Q. And all the men interested in the business agreed that Parmeley was to do the business with the police? A. He did the business, because he was the man who owned the ward; he was in his employ, as you say, and we had protection.

Q. And knowing you had police protection, and paying for it, you knew you had police protection? A. Yes, sir.

Q. And you were never interfered with? A. Never.

- Q. You never was arrested in the Fourth ward? A. No, sir.
 Q. Or Parmeley? A. No, sir.
 Q. And the money was paid regularly? A. Paid regularly.
 Q. And you went on with your business regularly? A. Just the same; yes, sir.

By Chairman Lexow:

- Q. If anybody else came into that ward and attempted to do the same kind of business he was arrested at once? A. The first time he was drove out, and the second time he was arrested.

By Mr. Goff:

Did you know of any complaints ever having been made by you about any men engaged with you in your business to the police against interlopers coming in; men coming into the ward on their own business, outsiders? A. In the same kind of business?

Q. In the same kind of business? A. Why, certainly; once in a while a thing of that kind would happen.

Q. Do you recall to mind where outsiders came in in the same business and the police were notified of it? A. Sometimes the people from the Fifth or First came into the City Hall park, and the police would drive them out; the police in the Fourth would drive them out of there off into their district.

Q. Now, wasn't it also part of the business knowledge of yourself and your associates in the business that the place where the protection was arranged for, the business arranged in this saloon kept by Mr. Divver that you have mentioned? A. Where what?

Q. Where the arrangements were made for the protection? A. Well, the money was all spent there mostly; we used to go up there — there was nothing of the kind happened in the saloon; we used to spend our money there; we went there the latter end of the week and Saturday nights and spent the money there.

By Chairman Lexow:

Q. Was your protection arranged for in that saloon — the arrangement made to give you protection? A. No; I would not say it was made there in that saloon.

By Mr. Goff:

Q. Was there any arrangement or understanding that your men were to go and spend your money in that particular saloon? A. Well, of course, it looked better to do that and go there.

Q. Why did it look better. A. He was a nice man, and so on.

Q. I am asking if there was any understanding or agreement between yourself and your associates that the money should be spent in this saloon? A. Oh, no.

Q. You said in answer to Judge Ransom, a little while ago, that you saw Parmeley give money up; now, is it not a fact that you yourself saw Parmeley give money up to police officials? A. Give it up?

Q. Yes; hand the envelope to them? A. Well, I don't know as I could —

Q. Don't you remember? A. Of course I can remember, but I could not give the day and date.

Q. I do not want the day and date; I want the fact.

By Senator Bradley:

Q. Did you ever see it; did you ever see this man hand any money to a police official; that is the plain question? A. Parmeley?

By Mr. Goff:

Q. Yes; any money, or money in an envelope? A. Only in this way.

Q. In what way? A. This money had been put in an envelope, and he has taken and carried the envelope away; I don't know as I ever see him —

Q. That is, the money for the police was put in the envelope in your business place? A. Yes, sir.

Q. And counted out? A. Counted out and arranged for; so many squeals put on a tag; that money was put there to go to headquarters, squealing around that, and so and so; and that money was put in an envelope and taken off.

Q. When you say a tab, do you mean a book? A. A piece of paper that was torn up at night; so much money wins, so much taken out, and so much paid out.

Q. You settled your accounts at night? A. Yes, sir; every night, except where they thought a man would come back, and they would hold the money a day or two.

Q. And when the settlement of that account was made out that night Parmeley received that portion that was assigned to police? A. Yes; he received that; he took care of that.

Q. And that was accounted for in the tab? A. Yes, sir.

Q. And he took that money away; that was part of his duty to you, and the rest of you, to deliver that money to the police? A. Yes; I suppose so; that was what it was for.

Q. And for four years or thereabouts you conducted the business, and all the rest of you in that ward, without the slightest interference? A. Off and on we were closed up for a month; and then opened up again.

Q. For four or five years? A. Yes, sir.

Q. And you had the exclusive privilege of working in that ward? A. Yes; I did.

By Senator Bradley:

Q. You said in your direct examination that Parmeley when he came to New York was a poor stranger and had no money, and Mr. Divver put up the money to start in business; how do you explain that; you testified Mr. Divver was a man that furnished him the money to start the business?

Senator Cantor.—He said he heard so.

A. I can not swear to that; I could not swear to that.

Q. Who do you say gave him the money to start the business?

A. I said it was a funny thing he could come in that ward, a stranger, and get that work and the protection he did, and there was others in the ward could not get it; that was all.

By Mr. Goff:

Q. What about the envelope you saw Parmeley give to Mr. Divver; the envelope that looked to be fat? A. That had nothing to do—it was something outside; something between them.

Q. Something between Parmeley and Divver? A. Something that hadn't anything to do with the business; he made a remark that it was pretty hard money to give up.

Q. Parmeley made the remark? A. Yes, sir.

Q. Did you see that envelope go into Mr. Divver's hand, or across his bar? A. Across his bar; yes, sir.

By Chairman Lexow:

Q. To the bartender or to Mr. Divver? A. To the bartender; I don't think Divver was there; no, sir; if I made any such remark I want to correct it.

Q. On what day of the week was this \$100, which you say was paid every week for protection—on what day was it charged in the account? A. Carried up every Saturday afternoon.

Q. So, on that day, in addition to the squeals, \$100 was put in an envelope, besides, for the protection under the contract? A. That \$100 had to go, anyway.

Mr. Ransom.—That is all, Mr. Clark.

Chairman Lexow.—That is all, Mr. Clark. The next witness, Mr. Goff.

Augusta Michelson, known as Gussie Price, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Do you understand me, Miss Michelson? A. I do not think I understand enough English; I like it better German.

Q. Do you know the house No. 422 Third avenue? A. Yes; I was living there.

Q. You were living there; who kept the house? A. Mrs. Hart.

Chairman Lexow.—Speak up, so Judge Ransom, over there, can hear you.

The Witness.—Mrs. Hart keeps the house.

Q. What kind of a house was it; a house of ill-fame? A. Yes.

Q. And you were one of the inmates of the house? A. Yes.

Q. How many girls were there in the house? A. I was all alone there.

Q. You were the only girl in the place? A. Yes, sir.

Q. Was it a floor in the house, or the whole house? A. I was alone there; there was no girl there.

Q. Mrs. Hart was there? A. Yes; Mrs. Hart, too, and her sister.

Q. Was this other girl who was in the court with you, was she in that house, too? A. No.

Q. She was not; what was the price in that house? A. Well, different.

Q. Well, give us some idea of it, please? A. Two and three dollars.

Q. Two and three dollars? A. Yes.

Q. How many people would visit the house during the week? A. I don't remember that.

Q. Can you give us some idea? A. No; I can not.

Q. What arrangement had you with Mrs. Hart about dividing the money? A. Well, give her the half what I made.

Q. You gave her one-half? A. Yes.

Q. How long were you there? A. Six weeks the first time.

Q. Do you know who was there before you came? A. No.

Q. Do you know who went there after you departed? A. No.

Q. What precinct is that in? A. Thirty-fifth street station-house.

Q. That is the Twenty-first precinct? A. I don't know.

Q. The station-house is Thirty-fifth street, near Third avenue, is it not? A. Yes.

Q. Do you know the wardman connected with that station-house? A. No; well, what she told me it was the wardman.

Q. A man came there? A. Yes.

Q. Whom Mrs. Hart introduced to you as the wardman? A. Yes.

Q. What was his first name? A. She called him Barney.

Q. Did you ever hear his last name? A. Yes.

Q. What was his last name? A. Malarkey.

Q. Did Mr. Malarkey visit that house frequently? A. Yes; she says he was her fellow; he was a good friend to her.

Q. What time of the day did he call? A. Afternoons, sometimes.

Q. How long did he stay? A. That time I was there, he stayed only a short time, an hour.

Q. Did he visit Mrs. Hart, or did he visit you? A. He visited me once.

Q. He visited you once? A. Yes.

Q. Did he collect any money from you? A. From me?

Q. From you? A. No.

Q. From Mrs. Hart? A. No.

Q. Did she say she paid him any money? A. She said she paid the wardman.

Q. She said she paid the wardman? A. Yes.

Q. Do you know what was the name of the captain of that precinct? A. Yes.

Q. What was his name? A. Martens.

Q. Do you know Captain Martens? A. She introduced me some night to a fellow, and afterward she told me he was the captain.

Q. Can you describe that man? A. When I see him I remember him.

Q. Can you give us some idea of his appearance? A. He was tall and stout, not very nice dressed, and a dark moustache.

Q. A dark moustache? A. Yes.

Q. A heavy moustache? A. No; not so very heavy.

Q. What time did he call; what time of the day? A. I saw him only once there in the night-time.

Q. In the night-time? A. Yes.

Q. Did you hear him talk? A. Yes, sir.

Q. Who did he speak to? A. To Mrs. Hart.

Q. What did he say? A. He was talking about—they were not talking much; I don't remember much what they were talking; she called him Mr. Jones.

Q. You can not recall what the conversation was about, can you? A. No.

- Q. Did he tell her she must not keep her house open? A. No.
- Q. Did he tell her he would raid the house? A. No.
- Q. Did he know the character of the house? A. Oh, yes.
- Q. Was there any conversation regarding Christmas presents to the captain? A. Yes.
- Q. In his presence? A. Yes; I could not say by the captain, but by the wardman.
- Q. You don't know whether they were present or not? A. No.
- Q. But the wardman, you say, was present? A. Yes, sir.
- Q. State that conversation; where did it occur; what was it?
- A. I told her I did not want to give her the half any more; she told me she had big expense, too, and she had to give the wardman that Christmas.
- Q. Where is Mrs. Hart now? A. She is living at the same place.
- Q. Four hundred and twenty-two Third avenue, isn't it? A. Yes, sir.
- Q. How did you come to go to Mrs. Hart? A. I knew her a long time.
- Q. Wasn't there some special reason; did you see an advertisement? A. No; not on account of that; I heard she advertised always; I did not go on account of the advertisement.
- Q. Did you see any advertisement by her? A. Yes.
- Q. What was the advertisement? A. I don't remember that for good; by some teachers she was advertising.
- Q. What kind of teaching?

By Senator Bradley:

- Q. Music teacher? A. I don't remember that; that is two or three years ago.

By Mr. Moss:

- Q. Did she advertise to give girls German and French lessons, or something of that kind? A. I think so.

By Mr. Ransom:

- Q. Was this Mr. Jones you saw there in the uniform of a policeman? A. No.
- Q. In citizen's dress? A. Citizen's dress.
- Mr. Ransom.—That is all.
- Chairman Lexow.—That is all; the next witness.
- Mr. Goff.—We do not deem it prudent to enter in upon another line of examination to-night; it is nearly 4 o'clock now, and we have had a pretty good day of it; I move we adjourn.
- Chairman Lexow.—Adjourn now until to-morrow morning?

Mr. Goff.—Yes.

Chairman Lexow.—All witnesses subpoenaed for to-day will attend here to-morrow morning at 10.30 o'clock. The committee stands adjourned until that time.

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry street, Precinct No. 11, }
New York, April 1, 1892. }

Thomas Byrnes, Esq., Acting Superintendent of Police:

Sir.—In compliance with Rule 64, I respectfully submit the following report for the quarter ending March 31, 1892.

(Signed.)

WM. W. McLAUGHLIN,

Captain, Eleventh Precinct.

No. 180 1-2 Allen street, reputed house of prostitution; Wm. Rader, proprietor; William Snell, owner.

No. 22 Bayard street, reputed house of prostitution; Mary Kimball, proprietor; James Reynolds, owner.

No. 24 Bayard street, reputed house of prostitution; Edward Comet, proprietor; James Reynolds, owner.

No. 28 Bayard street, reputed house of prostitution; Mamie Coleman, proprietor; James Reynolds, owner.

No. 30 Bayard street, reputed house of prostitution; Mary White, proprietor; George Ellinger, owner.

No. 32 Bayard street, reputed house of prostitution; Nellie Davenport, proprietor; George Ellinger, owner.

No. 33 Bayard street, reputed house of prostitution; Annie Roberts, proprietor; Aug. Lindeman, owner.

No. 101 Canal street, reputed house of prostitution; Mary Stewart, proprietor; John Siegels, owner.

No. 102 Canal street, reputed house of prostitution; Aug. Belmont, proprietor; James Price, owner.

No. 117 Canal street, reputed house of prostitution; Laura Knight, proprietor; G. Barendon, owner.

No. 119 Canal street, reputed house of prostitution; Hen. Wagner, proprietor; Mr. Clement, owner.

No. 121 Canal street, house of prostitution; Wm. Kelly, proprietor; Wm. Kintzing, owner.

No. 129 Canal street, house of prostitution; Daniel Veil, proprietor; E. Foote, owner.

No. 16 Delancey street, house of prostitution; Wm. Kline, proprietor; Wm. Kline, agent.

No. 78 Canal street, house of prostitution; Annie Miller, proprietor; Paul Appel, owner.

No. 34 Eldridge street, house of prostitution; John Williams, proprietor; J. Sadelmeyer, owner.

No. 81 Eldridge street, house of prostitution; Betsy Butler, proprietor; Henry Saunders, owner.

No. 70 Forsythe street, house of prostitution; Aug. Smith, proprietor; Emma Flemig, owner.

No. 74 Forsythe street, house of prostitution; Morris Stern, proprietor; Jul. Saffens, owner.

No. 109 Forsythe street, house of prostitution; Blanche Smith, proprietor; Moss & Goldstein, owners.

No. 127 Hester street, house of prostitution; Maggie King, proprietor; P. Beckelmeyer, owner.

No. 129 Hester street, house of prostitution; Carrie Winters, proprietor; Henry Lutz, owner.

No. 12 Rivington street, house of prostitution; Ber. Greenback, proprietor; James Walsh, owner.

No. 27 Rivington street, house of prostitution; Lulu Wallace, proprietor; Henry Smith, owner.

No. 29 Rivington street, house of prostitution; Ida Clark, proprietor; Ernest Ohl, owner.

No. 44 Rivington street, house of prostitution; Mary McCarthy, proprietor; J. Garland, agent.

No. 56 Stanton street, house of prostitution; Anna Nelson, proprietor; Mrs. Maunger, owner.

No. 15 Bowery, house of assignation; Chas. Best, proprietor; C. Best, agent.

No. 23 Bayard street, furnished rooms, for prostitutes; Mary J. Schrader, agent.

No. 146 Chrystie street, house of assignation; Lizzie Field, proprietor; C. L. Knoll, owner.

No. 5 Delancey street, house of assignation; Mary Brown, proprietor; J. Alexander, agent.

No. 43 Forsythe street; house of assignation; Matilda Berker, proprietor; Liz. Gurkin, owner.

No. 131 Hester street, house of assignation; Lena Smith, proprietor; J. Holsgrappel, agent.

No. 31 Rivington street, house of assignation; Emma Jansen, proprietor; Emma Jansen, agent.

No. 84 Allen street, furnished rooms, for prostitutes; Mary Minteman, proprietor; Cath. Mitpan, agent.

No. 204 Allen street, furnished rooms, for prostitutes; Lena Edwards, proprietor; L. Rothchild, agent.

No. 21 Bayard street, furnished rooms, for prostitutes; Mary Brown, proprietor; E. Grimm, owner.

No. 23 Bayard street, furnished rooms, for prostitutes; Mary Thompson, proprietor; E. Grimm, owner.

No. 14 Delancey street, furnished rooms, for prostitutes; Amelia Keller, proprietor; Aug. Westpall, owner.

No. 26 Forsythe street, furnished rooms, for prostitutes; Mary Meyers, proprietor; Hen. Springer, agent.

No. 3 Chrystie street, policy shop; Wm. Pape, proprietor; W. Page, agent.

No. 84 Chrystie street, policy shop; P. Nolke, proprietor; H. Kunzing, owner.

No. 251-2 Forsythe street, policy shop; Solomon Smith, proprietor; Wm. Rabb, owner.

No. 77 Forsythe street, policy shop; John Wolf, proprietor; John Brown, owner.

No. 134 Hester street, policy shop; Frank Burns, proprietor; Jno. Carland, owner.

No. 92 Orchard street, policy shop; John Fox, proprietor; John Adder, owner.

No. 34 Bayard street, suspicious place; Frank Kiernan, proprietor; Geo. Ellinger, owner.

No. 15 Chrystie street, suspicious place; George Schuster, proprietor; Jas. Murray, owner.

No. 73 Chrystie street, suspicious place; Charles McKean, proprietor; Charles McKean, owner.

No. 21 Forsythe street, suspicious place; Adolph Smith, proprietor; A. Smith, agent.

No. 5 Norfolk street, suspicious place; Henry Ruhling, proprietor; D. Brill, agent.

No. 131 Bowery, poolroom; William Power, proprietor; P. Farley, agent.

No. 137 Bowery, poolroom; Gleason & Abrahall, proprietors; J. Strong, owner.

No. 253 Bowery, poolroom; Ch. Shaffer, proprietor; C. Ha, owner.

POLICE DEPARTMENT, CITY OF NEW YORK:

No. 300 Mulberry Street, Precinct No. 11, }
New York, July 1, 1892. }

Thomas Byrnes, Esq., Superintendent of Police:

Sir.—In compliance with rule 64, I respectfully submit the following report for the quarter ending June 30, 1892.

(Signed.) ADAM A. CROSS,
Captain, Fourteenth Precinct.

No. 101 Canal street, reputed house of prostitution; Samuel Hafner, proprietor; Peter Ziglow, owner.

No. 102 Canal street, reputed house of prostitution; Augusta Belmont, proprietor; Ch. Robb, owner.

No. 117 Canal street, reputed house of prostitution; Mary Smith, proprietor; Ch. Barnhoff, agent.

No. 81 Eldridge street, reputed house of prostitution; Bessie Butler, proprietor; Caroline Zander, owner.

No. 74 Forsythe street, reputed house of prostitution; Rose Lawrence, proprietor; Hutch Loun, agent.

No. 109 Forsythe street, reputed house of prostitution; Terese Werner, proprietor; James Levy, agent.

No. 30 Stanton street, reputed house of prostitution; Louisa Knecht, proprietor; Louis Knecht, owner.

No. 32 Stanton street, reputed house of prostitution; Ida Belmont, proprietor; Jul. Whitaker, owner.

No. 50 Stanton street, reputed house of prostitution; Mary Williams, proprietor; Mary Waters, agent.

No. 56 Stanton street, reputed house of prostitution; Mary Walters, proprietor; Leop. Knoich, owner.

No. 23 Bowery, reputed house of prostitution; Herm. Brunges, proprietor; John Leonard, owner.

No. 43 Forsythe street, reputed house of prostitution; Matilda Berger, proprietor; Louisa Lieb, owner.

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry Street, Precinct No. 11 }
New York, October 1, 1892. }

Thomas Byrnes, Esq., Superintendent of Police:

Sir.—In compliance with your orders, I have the honor to submit the following report, for the quarter ending September 30, 1892:

Respectfully,

ADAM. A. CROSS,

Captain.

Reputed houses of prostitution: Location, 101 Canal; Samuel Hapner, keeper; Peter Ziglow, owner; 12 Center street. Location, 102 Canal; Augusta Belmont, keeper; Charles Robb, owner; Pleasant View. Location, 81 Eldridge; Bessie Butler, keeper; Carol Zander, owner; Jersey City. Location, 32 Stanton; Ida Belmont, keeper; Jul. Whitaker, owner; 32 Stanton street.

Reputed house of assignation: Location, 23 Bowery; Herm. Brunzes, keeper; John Leonard, owner; 42 John street.

There are no gambling-houses, policy shops, opium joints, bunco places, dens or places reputed to be such, or suspicious persons or

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places, except as above mentioned, in this precinct to my knowledge.

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry Street, Precinct No. 11, }
New York, January 3, 1893. }

Thomas Byrnes, Esq., Superintendent of Police:

Sir.—In compliance with telegraph order of this date, I have the honor to submit the following report, for the quarter ending December 31, 1892:

All reputed houses of prostitution and assignation in this precinct are closed. There are no gambling-houses, policy shops, opium joints, bunco places, dens or places reputed to be such, in this precinct.

Respectfully,
ADAM A. CROSS,
Captain.

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry Street, Precinct No. 11, }
New York, April 1, 1893. }

Thomas S. Byrnes, Superintendent:

Sir.—In compliance with rule 64, I herewith submit the following report:

There are no houses of prostitution, assignation, bedhouses, suspicious places, gambling-houses, lottery or policy offices, bunco places or opium joints, in this precinct.

Respectfully,
WILLIAM S. DEVERY,
Captain, Eleventh Precinct.

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry Street, Precinct No. 11, }
New York, July 1, 1893. }

Thomas Byrnes, Superintendent:

Sir.—In compliance with rule 64, I herewith submit the following report:

There are no houses of prostitution, assignation, bedhouses, suspicious places, gambling-houses, lottery or policy offices, bunco places or opium joints in this precinct.

Respectfully,
WILLIAM S. DEVERY,
Captain, Eleventh Precinct.

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry Street, Precinct No. 11, }
New York, October 1, 1893. }

Thomas Byrnes, Superintendent:

Sir.—In compliance with rule 64, I respectfully submit the following report:

There are no houses of prostitution, assignation, bedhouses, suspicious places, gambling-houses, lottery or policy offices, bunco places or opium joints in this precinct.

Respectfully,

WILLIAM S. DEVERY,
Captain, Eleventh Precinct.

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry Street, Precinct No. 11, }
New York, January 1, 1894. }

Thomas Byrnes, Superintendent of Police:

Sir.—In compliance with rule 64, I respectfully submit the following report:

There are no houses of prostitution, assignation, bedhouses, suspicious places or persons, gambling-houses, lottery or policy offices, bunco places or opium joints in this precinct.

Respectfully,

MOSES D. CORTRIGHT,
Captain, Eleventh Precinct

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry Street, Precinct No. 11, }
New York, April 1, 1894. }

Thomas Byrnes, Superintendent of Police:

Sir.—In compliance with rule 64, I herewith submit the following report:

There are no houses of prostitution, assignation, bedhouses, suspicious places or persons, gambling-houses, lottery or policy offices, bunco places or opium joints in this precinct.

Respectfully,

MOSES D. CORTRIGHT,
Captain Eleventh Precinct.

POLICE DEPARTMENT OF THE CITY OF NEW YORK: .

Office of the Superintendent, No. 300 Mulberry Street. }
 New York, August 23, 1893. }

To the Honorable the Board of Police: *

Gentlemen.—After my assumption of the position of acting superintendent, I received from your honorable board the communication annexed, with directions to investigate the charges therein contained, and to make a report to you of the result of my task. The alleged offenses were credited to the Eleventh precinct. I, therefore, asked the attention of Captain William S. Devery, commanding that precinct, to the charges, and also communicated with Inspector Thomas F. McAvoy and Alexander S. Williams, who alternately commanded the district in which the Eleventh precinct is located. The orders to these officers were to give the case every proper consideration, and to make their search and inquiry thorough. I respectfully herewith attach their reports. Beyond this action, I personally visited the several places mentioned in the letter of complaint, and while I found many of them closed, several were free to access, but exhibited no evidences of gambling or other disorderly conduct.

The commanding officer of the First Inspection district and of the Eleventh precinct are under renewed orders to vigilantly watch the enumerated places of alleged disorderly conduct, to the end that the laws may not be violated, and in the event of a transgression, to promptly arrest the offenders.

All of which is respectfully submitted.

(Signed.) PETER CONLIN,
 Inspector, Acting Superintendent.

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry Street, }
 New York, August 23, 1893. }

Peter Conlin, Acting Superintendent:

Sir.—Upon my return to duty on the morning of the 21st inst., having been absent on vacation, my attention was called to a communication from the Society for the Prevention of Crime, giving locations of places in the Eleventh precinct, alleged by them to be houses of prostitution, and places where gambling was carried on. This communication was in the hands of Inspector McAvoy, who, during my absence, was in charge of

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First Inspection district, and had given the matter complained of attention, of which he has made report. I have, however, taken means to continue surveillance over these places, and upon the first evidence that can be obtained of any violation of law, immediate arrests will be made of the person or persons offending. I will also give the matter my personal attention.

Respectfully,

ALEXANDER S. WILLIAMS,

Inspector, First District.

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry Street,

New York, August 21, 1893. }

Peter Conlin, Acting Superintendent:

Sir.—In compliance with orders relative to the annexed communication, signed C. H. Parkhurst, T. D. Kemerson and Frank Moss, of Society for the Prevention of Crime, I herewith submit the report of my investigation and action taken in the matter, viz.:

I detailed officers from precincts other than the Eleventh precinct, in plain clothes, to make every effort to obtain evidence against the alleged disorderly houses and gambling-houses mentioned in the communication as existing in the Eleventh precinct. From personal observation and from reports from Captain Devery and the officers detailed by me, would state that many of the places were found effectually closed, and those that are open, a strict surveillance is kept over them, and if any evidence is obtained of disorderly conduct, or of the violation of law in any respects, prompt action will be taken to suppress them.

Respectfully,

THOMAS F. McAVOY,

Inspector, Second Precinct.

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No.

, Precinct No. 11,

New York, August 23, 1893. }

Alexander S. Williams, Inspector, First District:

Sir.—In compliance with orders received from Inspector McAvoy, while in charge of First district, to investigate and report relative to alleged disorderly and gambling-houses in this precinct, as set forth in communication signed C. H. Parkhurst, T. K. Kemerson and Frank Moss:

I respectfully state that on the receipt of said communication immediate action was taken and officers in citizens' dress were detailed to visit each and every number mentioned in said communication (a copy of which you find annexed), with instructions to be vigilant, and if they found evidence of any disorderly character or any person in any manner violating the law, to obtain such evidence as would cause their immediate arrest. Also, in company with Detectives Edward G. Glennon and James J. Kieran, of this precinct, I visited all numbers mentioned in the communication and found many of them closed, and those that were found open were subjected to a rigid investigation, but no evidence could be obtained that the law was being violated. The following places mentioned in the communication, to-wit: No. 38 Stanton street, is a five-story tenement-house, occupied by about 20 families; No. 110 Hester street, 119 Bowery and 92 Orchard street, are vacant houses; No. 139 Chrystie street, 71 Allen street, 259 East Houston street, 73 and 149 Ludlow street, 54 Rivington street, and northwest corner of Rivington and Forsyth streets are all licensed liquor stores, and no gambling of any description is carried on or allowed on these premises; No. 189 Chrystie street is a five-story tenement-house occupied by about 20 families; No. 13 Delancey street, 245 and 253 East Houston street, and 87 Norfolk street, are coffee saloons, and no gambling carried on in any of those places. There is no such number as 178 in Allen street; No. 145 East Houston street is a shoe store and has been for the past five years; No. 153 East Houston street is a tenement-house, occupied by about 20 families, and No. 259 East Houston street is a licensed dining saloon, and no gambling on the premises; No. 328 1-2 Grand street is a cigar store, and no gambling on the premises.

Since March 2, 1893, when I took command of this precinct, to date, the total number of arrests for all offenses have been 3,832, of which 424 were women arrested for soliciting throughout the streets of this precinct; I have raided 21 disorderly houses and arrested 20 disorderly housekeepers, and 74 disorderly persons found in said houses.

The members of my command have, at all times, been instructed to try and obtain evidence against all places of a suspicious nature, and to arrest all women found loitering or soliciting in the streets. I have also detailed members of my command in plain clothes to obtain evidence against all alleged disorderly houses in this precinct, and whenever the evidence has been obtained, prompt action has been taken and the nuisance suppressed.

Respectfully,

WILLIAM S. DEVERY,

Captain, Eleventh Precinct.

ELEVENTH PRECINCT DISORDERLY HOUSES.

No. 117 Allen street, No. 5 Delancey street, No. 150 Allen street, No. 6 Delancey street, No. 178 Allen street, No. 8 Delancey street, No. 180 1-2 Allen street, No. 10 Delancey street, No. 204 Allen street, No. 12 Delancey street, No. 22 Bayard street, No. 14 Delancey street, No. 23 Bayard street, No. 16 Delancey street, No. 24 Bayard street, No. 78 Delancey street, No. 28 Bayard street, No. 51 Eldridge street, No. 30 Bayard street, No. 70 Eldridge street, No. 32 Bayard street, No. 81 Eldridge street, No. 33 Bayard street, No. 141 Eldridge street, No. 101 Canal street, No. 45 Forsyth street, No. 102 Canal street, No. 74 Forsythe street, No. 117 Canal street, No. 109 Forsythe street, No. 119 Canal street, No. 135 Forsythe street, No. 121 Canal street, No. 110 Hester street, No. 128 Canal street, No. 137 1-2 Hester street, No. 91 Chrystie street, No. 12 Rivington street, No. 139 Chrystie street, No. 21 Rivington street, No. 146 Chrystie street, No. 27 Rivington street, No. 173 Chrystie street, No. 29 Rivington street, No. 189 Chrystie street, No. 31 Rivington street, No. 33 Rivington street, No. 38 Stanton street, No. 30 Stanton street, No. 50 Stanton street, No. 32 Stanton street, No. 56 Stanton street, No. 34 Stanton street.

ELEVENTH PRECINCT.

No. 71 Allen street, saloon and gambling; No. 119 Bowery, Palace Club and gambling; No. 13 Delancey street, cafe and gambling; No. 145 East Houston street, cafe and gambling; No. 153 East Houston street, cafe and gambling; No. 245 East Houston street, cafe and gambling; No. 259 East Houston street, cafe and gambling; No. 328 1-2 Grand street, cigar store and gambling; No. 73 Ludlow street, Jewish saloon and gambling; No. 149 Ludlow street, saloon and gambling; No. 87 Norfolk street, cafe and gambling; No. 92 Orchard street, policy and gambling; No. 54 Rivington street, beer saloon and gambling; northwest corner Rivington and Forsyth streets, saloon and gambling.

ELEVENTH PRECINCT, DISORDERLY HOUSES.

No. 117 Allen street, No. 150 Allen street, No. 178 Allen street, No. 180 1-2 Allen street, No. 204 Allen street, No. 22 Bayard street, No. 23 Bayard street, No. 24 Bayard street, No. 28 Bayard street, No. 30 Bayard street, No. 32 Bayard street, No. 33 Bayard street, No. 101 Canal street, No. 102 Canal street, No. 117 Canal street, No. 119 Canal street, No. 121 Canal street, No. 128 Canal street, No. 91 Chrystie street, No. 139 Chrystie street, No. 146 Chrystie street, No. 173

Chrystie street, No. 189 Chrystie street, No. 8 Delancey street, No. 10 Delancey street, No. 12 Delancey street, No. 14 Delancey street, No. 16 Delancey street, No. 73 Delancey street, No. 51 Eldridge street, No. 70 Eldridge street, No. 81 Eldridge street, No. 141 Eldridge street, No. 43 Forsythe street, No. 74 Forsythe street, No. 109 Forsythe street, No. 135 Forsythe street, No. 110 Hester street, No. 137 1-2 Hester street, No. 12 Rivington street, No. 21 Rivington street, No. 27 Rivington street, No. 29 Rivington street, No. 31 Rivington street, No. 33 Rivington street, No. 30 Stanton street, No. 5 Delancey street, No. 6 Delancey street, No. 38 Stanton street, No. 32 Stanton street, No. 34 Stanton street, No. 50 Stanton street, No. 56 Stanton street.

Conformably with the obligation imposed upon you we call upon you also to proceed at once to close the following houses which, as we have learned by repeated inspection made for us, are now being used for gambling purposes, as follows:

ELEVENTH PRECINCT.

No. 71 Allen street, saloon and gambling; No. 119 Bowery, Palace Club and gambling; No. 13 Delancey street, cafe and gambling; No. 245 East Houston street, cafe and gambling; No. 253 East Houston street, cafe and gambling; No. 259 East Houston street, cafe and gambling; No. 328 1-2 Grand street, cigar store and gambling; No. 73 Ludlow street, Jewish saloon and gambling; No. 149 Ludlow street, saloon and gambling; No. 87 Norfolk street, cafe and gambling; No. 97 Orchard street, policy and gambling.

Yours respectfully,

Rooms of the Society for the Prevention of Crime, United Charities Building.

To James J. Martin, President of the Board of Police Commissioners:

Sir.—The board of commissioners constitute the determining power of the department. It is upon you and your colleagues, therefore, that in the last analysis responsibility for the non-enforcement of law must always be conceded to rest. In view of this fact, we hereby transmit to you copies of communications which have to-day been sent to Thomas F. Gilroy, mayor; to Thomas Byrnes, superintendent of the force; and to William S. Devery, captain of the Eleventh precinct, calling upon you to exercise your proper authority in the matter and to exert upon the force the pressure needed in order to secure the reasonable action asked for by the undersigned. The obligations of the department are authoritatively and explicitly stated. While no

one is so sanguine as to expect the complete rooting out of the gambling or of the social evil, we none of us have a right to expect that these evils will be played with by the department. The law makes it your distinct duty to utilize the department's power in repressing and preventing crime. No option is accorded you as to what classes of crime you shall repress and what not. The department is executive, not legislative. The propriety of existing laws relative to gambling and disorderly houses, you may, as men, have an opinion upon, but not as commissioners. Your function is to act, not to philosophize. In the matter of action, it becomes immediately evident, from the list of gambling-houses and houses of ill-fame herewith furnished, that either you or your subordinates, or both, have been delinquent. The opinion has become current that such inaction is due to mercenary motives. The presentment of the March grand jury of 1892 indicated as much. However that may be, the suspicion that such charge is a valid one will not be eradicated from the public mind till the obligations devolving upon the department are met with an earnestness and thoroughness of which the accompanying voluminous schedule gives no slightest intimation. We expect, therefore, that you will give this matter early attention, and that you will apply the force requisite to the closing of the places of which you are hereby notified.

Respectfully,

C. H. PARKHURST,
T. D. KEMERSON,
FRANK MOSS.

Rooms of the Society for the Prevention of Crime, United Charities Building.

June, 1893.

To Hon. Thomas F. Gilroy, Mayor of the City of New York:

Sir.—We have the honor to transmit to you herewith copies of certain communications which have to-day been sent respectively to James J. Martin, president of the board of police commissioners; to Thomas Byrnes, superintendent of police, and to William S. Devery, captain of the Eleventh precinct.

Yours respectfully,

C. H. PARKHURST,
T. D. KEMERSON,
FRANK MOSS.

Rooms of the Society for the Prevention of Crime, United Charities Building.

To Thomas Byrnes, Superintendent of Police in the City of New York:

Sir.—The undersigned, householders in this city, hereby call your attention to rule 26 of “Rules and Regulations of the Police Department,” to-wit:

“It shall be the duty of the superintendent to enforce in the city of New York, all the laws of the State, and ordinances of the city of New York, and ordinances of the board of health, and regulations of the board of police; to abate all gambling-houses, rooms and premises; and places kept for lewd or obscene purposes and amusements; and places kept or used for the sale of lottery tickets or policies, or for any unlawful purpose whatsoever.”

We remind you also that by the Consolidation Act, section 282, the members of the police force are obliged and empowered carefully to observe and inspect all houses of prostitution and houses where common prostitutes resort or reside; all policy shops and gambling-houses; and to repress and restrain all unlawful practices therein; and, with or without warrant, to arrest all persons guilty of violating any law pertaining thereto. Section 285 of the same act empowers any member of the force to report to the superintendent any places where there is good reason for believing that the law is being violated, and the superintendent may then issue a warrant of his own, upon the authority of which any member of the force may enter such premises, make arrests, and convey persons so arrested before a magistrate.

Consistently with the obligation thus imposed upon you as superintendent, we hereby call upon you to proceed at once to close the following places, which, as we have learned by repeated inspection made for us, are now being used for lewd or obscene purposes, as follows:

C. H. PARKHURST,
T. D. KEMERSON,
FRANK MOSS.

To William S. Devery, Captain of the Eleventh Precinct:

Sir.—The undersigned, householders in this city, hereby call your attention to rule 66 of “Rules and Regulations of the Police Department,” to-wit:

“Captains shall be held strictly responsible for the preservation of the public peace, in their respective precincts, and, to insure good order, they are vested with the power to post the men under their command in such parts of their precincts, and

to assign them such duties as they may deem expedient, under the supervision of the superintendent, and inspector of the district, and in accordance with the rules and regulations of the board."

We remind you also that by the Consolidation Act, section 282, the members of the police force are obliged and empowered carefully to observe and inspect all houses of prostitution and houses where common prostitutes resort or reside; all policy shops and gambling-houses; and to repress and restrain all unlawful practices therein; and, with or without warrant, to arrest all persons guilty of violating any law pertaining thereto. Section 285 of the same act empowers any member of the force to report to the superintendent any places where there is good ground for believing that the law is being violated, and the superintendent may then issue a warrant of his own upon the authority of which any member of the force may enter such premises, make arrests, and convey persons so arrested before a magistrate.

Consistently with the obligation so imposed upon you, we hereby call upon you to proceed at once to close the following places which, as we have learned by repeated inspection made for us, are now being used for lewd or obscene purposes, as follows:

C. H. PARKHURST,
T. D. KEMERSON,
FRANK MOSS.

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

Office of the Superintendent, 300 Mulberry Street, }
New York, October 20, 1893. }

To the Board of Police:

Gentlemen.—I have the honor to return herewith the communication under date of October 12th, addressed to Hon. James J. Martin, president Board of Police Commissioners, signed "C. H. Parkhurst, Thaddeus D. Kemerson and Frank Moss," complaining of the existence of gambling and disorderly houses in the Eleventh precinct, which was referred to me by your board for investigation, and report, on the 13th instant.

Immediately upon receipt of said communication, I ordered Inspector Alexander S. Williams, who is in command of the district in which the Eleventh precinct is located, and Captain William S. Devery, captain of the precinct in which the places complained of are situated, to make careful and thorough inves-

tigation into the charges contained therein, and if they found the law being violated, to promptly arrest the offenders, and to report to me the result of their investigation. The reports of their investigations are hereunto attached.

Upon reporting for duty after my vacation, I conferred with Inspector Conlin, relative to the complaint made by the same gentlemen in August, and the reports made thereon by the then acting superintendent, by Inspector Williams, and by Captain Devery, respectively, in command of the district and precinct in which the gambling and disorderly houses were said to exist, to pay special attention to the places mentioned in that communication; to promptly arrest any persons whom they might find violating the law therein, and to report to me weekly the result of their investigations, and the condition of the places complained of. Their reports since the last-named date show that the law has not been violated in any of these places.

In addition, I would state that on or about the same day that I directed Inspector Williams and Captain Devery to report to me as before mentioned (September 15th), I furnished two detectives of this department with a list of the places complained of, and directed them, separately and unknown to each other, to visit these places at irregular hours of the day or night, and to report to me whether there was any violation of law therein; and their reports, which I have before me, corroborate the reports made by Inspector Williams and Captain Devery.

On the 12th inst. I received from the above-named members of the society a communication, with which was inclosed a copy of the letter sent to Captain Devery, and of the places in the Eleventh precinct complained of; and finding that several places mentioned in the latter document were not contained in the former, I gave the numbers to these additional places to the detectives above referred to, and instructed them to make, concerning them, a similar investigation, and report to what they made relative to the places mentioned in the former communication. Their reports on these additional places also show that the law was not violated in any of them, although they visited these places at irregular hours of every day or night, since the receipt of the latter communication.

Very respectfully,

THOMAS BYRNES,

Superintendent of Police.

New York, October 19, 1893.

Thomas Byrnes, Esq., Superintendent of Police:

Sir.—In compliance with your orders to investigate the annexed communication directed to Hon. James J. Martin, president of the Board of Police Commissioners, signed "C. H. Parkhurst, Thaddeus Kemerson and Frank Moss," and to obtain evidence against and promptly and effectively suppress the places therein mentioned, if found to exist, I would state that I have given the communication and its charges of immorality alleged to be broadcast in the Eleventh precinct, and of intimated criminality on the part of Captain Devery of said precinct, in permitting these places to exist, the closest possible attention and investigation, and find that said charges are without foundation.

I would further state that the report made by Captain Devery in August last, on a similar communication, was true; also that my report of August last, on said similar communication, was true; and that there was positively no misrepresentation of any kind in either of these reports.

As to gambling in the Eleventh precinct, there is none; and any person who says that gambling is carried on in that precinct tells a deliberate and malicious falsehood.

The alleged disorderly houses in the precinct were visited by officers in citizens' clothes, under my direction, previous to October 4th, and since October 4th up to date, and no violation of law found. On receipt of this communication, I detailed officers from other than the Eleventh precinct to visit, at irregular hours, these houses; and in no case could they gain admittance, or procure evidence that would tend to show that the law was in any way violated.

I have also frequently visited the street, and passed the numbers mention in the communication, and failed to find any of the "open profligacy" or "foul contagion" from which the writers of this communication would make it appear that "youthful escape" was a "moral impossibility;" and any person who would make such a statement in the face of the actual condition of the precinct has no regard for truth or his moral obligations.

Hereunto annexed, you will find a report from Captain William S. Devery, which shows that, during the past six months, he has arrested 5,345 persons for violations of law, and of which 682 were women, for soliciting in the streets for immoral purposes, largely due to the fact that Captain Devery had raided and closed 26 disorderly houses during the same time.

In conclusion, it is admitted by the signers of the communication that it is a personal attack on Captain Devery, and not

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against disorderly houses; and the false accusations therein contained would never have been made had not Captain Devery caused the arrest and conviction of the superintendent of the Society for the Suppression of Vice for blackmail.

Respectfully submitted,

ALEX. S. WILLIAMS,

Inspector, First District.

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

Precinct 11,

New York, October 18, 1893. }

Alexander S. Williams, Esq., Inspector, First District:

Sir.—In compliance with your orders for report on attached communication, signed "C. H. Parkhurst, Thaddeus D. Kemerson and Frank Moss," in which complaint is made of disorderly and gambling-houses in this precinct, and that the same were in full blast on October 4th inst., I respectfully state that on receipt of said communication, in addition to the action which it had been, and is now, my regular custom to take against the suppression of all alleged disorderly and law-breaking places in this precinct, I detailed officers in citizens' clothes to visit each and every number mentioned in the communication, and instructed them to be vigilant and thorough in their efforts to obtain evidence against said houses; but in each and every instance the officers reported daily to me that the places were closed.

In company with Detectives Edward G. Glennon and James J. Kiernan of the precinct, I have visited the places mentioned almost daily and nightly, at irregular intervals, and found them closed, with but few exceptions; and those that were found open were subjected to a rigid and searching examination, but no evidence could be obtained that the law was being violated, and no women could be found on the respective premises.

No. 78 Allen street, mentioned in the communication, is licensed liquor saloon, and there is no gambling on the premises. There is no such number as 178 in Allen street. No. 118 Forsythe street is a five-story tenement house, with a barber shop and a cigar store on the ground floor. No. 38 Stanton street is a five-story tenement-house, occupied by about 20 families, with a restaurant on the ground floor, and none of these places are disorderly or gambling houses.

The following places mentioned in the communication as disorderly houses, were closed prior to and on October 4th, and since that date up to the present time, viz.:

Nos. 91 and 109 Chrystie street; Nos. 102, 117, 121 and 123 Canal street; 43, 74 and 109 Forsythe street; 51, 70 and 81 Eldridge street; 12, 21, 29, 33 and 44 Rivington street; 22, 23, 24, 28, 30, 32 and 33 Bayard street; 117, 150, 180 1-2 and 204 Allen street; 30, 32, 34, 38, 50 and 56 Stanton street; and 5, 6, 8, 10, 12, 14, 16 and 78 Delancey street.

Since March 2, 1893, when I took command of this precinct, to date, the total number of arrests for all offenses have been 5,345; of which number, 682 were women, arrested for soliciting in the streets of this precinct. I have raided and closed 26 disorderly houses and arrested 25 disorderly housekeepers, and 83 disorderly persons found in said houses.

The members of my command have, at all times, been instructed to try and obtain evidence against all places of a suspicious nature, and to arrest all women found soliciting in the streets.

I have also detailed members of my command, in plain clothes, both day and night, to obtain evidence against any alleged disorderly houses in this precinct, and whenever the evidence has been obtained, prompt action has been taken by me toward the arrest and punishment of the offenders.

There are no gambling-houses, nor has there been any in this precinct, since I have been in command of the same.

Respectfully,

WILLIAM S. DEVERY,

Captain, Eleventh Precinct.

Hon. James J. Martin, President Board of Police Commissioners:

Whatever may be the incapacity or duplicity of the agencies through which you aim to secure the enforcement of the law, you will be obliged to concede that the responsibility for the condition of this city in that particular still rests with yourself and colleagues; and at the expense of seeming to you repetitions, we take this means of informing you that the police precinct, which you have placed in charge of Captain William S. Devery, and, of which, for considerations, doubtless, appreciated by yourself, you are still retaining him in charge, is being administered by him in the same manner of incompetency, or of criminality,—according as you may prefer to designate it,—as that to which your attention was recently called by a letter emanating from the Society for the Prevention of Crime, and received by you about August 10th. In our correspondence at that time we cited the statutes bearing upon the case, and we are pleased to see that neither the mayor,

your own board, the acting superintendent of the police, the inspector, nor the captain of the Eleventh precinct, has taken any exception to the interpretation which these statutes were recognized by us as designed to carry. It appears, therefore, that the law in the premises we all interpret alike. The obligation of your department to proceed without dallying or subterfuge to the inspection of all suspected places and to the repression and restraint of all unlawful practices is mutually conceded. There being no dispute, then, in the matter of law, the question resolves itself exclusively into one of fact. Here also we are clear in the ground which we occupy and do not propose to be bluffed by any system of mutual exculpation or raw denial with which the agencies of your department rush to one another's relief. After the easy disposition which was made of our complaint, received in August, we deemed it due to yourselves to afford ample time for the adoption of a policy more consistent with the responsibilities devolving upon you, but have diligently, with particular reference to the precinct in question. The spasm of zeal exhibited by your subordinates on the appearance of our complaint has never for a day deluded the gamblers or the bawdy-house keepers of the precinct into the supposition that their business was imperilled. However you may see fit to explain it, the criminals in that district expect more from the protection of your department than they fear from its inflictions. As already said, we have kept in touch with the precinct, and we desire to communicate to you herewith the results of our latest canvass, completed on the 4th inst. We knew in August, as we know now, that the reports made to your board by Acting Superintendent Peter Conlin, by Inspector Alexander S. Williams, and by Captain William S. Devery, whether by intention or otherwise, are misrepresentation of the truth in essential particulars, and however stinted may have been the hospitality which you evinced toward our complaint, as then presented, you will now certainly, unless bound to others by ties as degrading as they would be unlawful, give to our renewed complaint a heed more in keeping with the dignity of your position and the gravity of the accusation.

We submit, then, herewith, a list of disorderly houses which are at present flourishing under the administration of Captain Devery,—our object in collecting this evidence being to show, not what kind of women keep the houses, but what kind of a captain keeps the precinct. Both now and heretofore our contention has not been with the disorderly houses, per se, but with Captain Devery and men like him, who have accepted positions of grave authority, are failing, either from incompetence or from

criminal complicity, to meet their obligations. By comparing the accompanying list with the one furnished you in August, you will perceive their substantial identity. The houses were running before the time when your subordinates claim to have visited them; have been running since, and were in full operation on the evening of October 4th, inst.; and not only in operation, but conducting their business in a manner which made profligacy an open fact, the whole region pestilential, and youthful escape from the foul contagion a physical and moral impossibility. Any claim that Captain Devery is so disguising the social evil as to make vice difficult in his precinct is a lie from bottom up, and unless you compel him to the decent discharge of his functions in that particular, your own souls will have the burden to carry of the physical and moral pollution which free and exhibitive lust are bound to entail.

C. H. PARKHURST,
THADDEUS D. KEMERSON,
FRANK MOSS.

Rooms of the Society for the Prevention of Crime, United Charities Building.

New York, October 12, 1893.

To Captain William S. Devery, of the Eleventh Police Precinct:

In a communication received by you in August last the undersigned brought to your attention some 50 places at which gambling was being carried on, or which were being maintained as disorderly houses. Your response to the same, as made to your superior officer, has been forwarded to us. We know very well the ground on which we stand, and do not reopen the correspondence for any purpose of debating the matter with you. We have adopted our own scheme of action, and the notice which we now serve upon you is the second step in the pursuance of that policy, so far as it concerns yourself. We submit herewith for your consideration and action a list of disorderly houses which are now doing business in your precinct. You will perceive that this list is substantially identical with that furnished you in August. In your report to Inspector Williams you claimed to have visited these houses. Whether you visited them or not, they were in operation prior to that date; they were in operation subsequent to that date, and they were all of them in full blast on October 4th, inst.

Consistently with the obligations imposed upon you by the statutes and "rules and regulations," under which you are acting, and which were quoted to you in our previous communication, we demand of you that you address yourself to this business without subterfuge or evasion and that you proceed to close and to keep closed the following places now being used for lewd or obscene purposes:

CHARLES H. PARKHURST,
THADDEUS D. KEMERSON,
FRANK MOSS.

Rooms of the Society for the Prevention of Crime. United Charities Building.

New York, October 12, 1893.

Chrystie street, 91, 109.

Canal street, 102, 109, 117, 143.

Eldridge street, 51, 70, 81.

Rivington street, 12, 21, 29, 33, 34.

Bayard street, 22, 23, 24, 28, 30, 32, 33.

Allen street, 71, 117, 150, 178, 180 1-2, 204.

Stanton street, 30, 32, 34, 38, 50, 58.

Delancey street, 5, 6, 8, 10, 12, 14, 16, 78.

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry Street,
New York, September 23, 1893. }

Thomas Byrnes, Superintendent:

Sir.—In compliance with your orders to investigate and report on the annexed list of alleged disorderly houses, and places where, it is alleged, gambling is being carried on.

I respectfully report that from personal observation and visits made on the 21st and 22d inst. by officers, detailed for that purpose, no violations of the law were observed.

ALEX. S. WILLIAMS,

Inspector, First district.

No. 5 Delancey street, closed, not vacated, admission refused.

No. 6 Delancey street, closed, not vacated, admission refused.

No. 8 Delancey street, closed, not vacated, admission refused.

No. 10 Delancey street, closed, not vacated, admission refused.

No. 12 Delancey street, closed, not vacated, admission refused.

No. 14 Delancey street, closed, not vacated, admission refused.

- No. 16 Delancey street, closed, not vacated, admission refused.
- No. 78 Delancey street, closed, not vacated, admission refused.
- No. 51 Eldridge street, closed, not vacated, admission refused.
- No. 70 Eldridge street, closed, not vacated, admission refused.
- No. 81 Eldridge street, closed, not vacated, admission refused.
- No. 141 Eldridge street, closed, not vacated, admission refused.
- No. 43 Forsyth street, closed, not vacated, admission refused.
- No. 74 Forsyth street, closed, not vacated, admission refused.
- No. 109 Forsyth street, closed, not vacated, admission refused.
- No. 135 Forsyth street, licensed liquor store.
- No. 110 Hester street, clothing store.
- No. 137 1-2 Hester street, cigar store, not vacated, admission to rear refused.
- No. 12 Rivington street, closed, not vacated, admission refused.
- No. 21 Rivington street, closed, not vacated, admission refused.
- No. 27 Rivington street, closed, not vacated, admission refused.
- No. 117 Allen street, closed, not vacated, admission refused.
- No. 150 Allen street, cigar store, not vacated, admission refused.
- No. 178 Allen street, no such number.
- No. 180 1-2 Allen street, closed, not vacated, admission refused.
- No. 204 Allen street, closed, not vacated, admission refused.
- No. 22 Bayard street, closed, not vacated, admission refused.
- No. 23 Bayard street, closed, not vacated, admission refused.
- No. 24 Bayard street, closed, not vacated, admission refused.
- No. 28 Bayard street, closed, not vacated, admission refused.
- No. 30 Bayard street, closed, not vacated, admission refused.
- No. 32 Bayard street, closed, not vacated, admission refused.
- No. 33 Bayard street, closed, not vacated, admission refused.
- No. 101 Canal street, closed, not vacated, admission refused.
- No. 102 Canal street, closed, not vacated, admission refused.
- No. 117 Canal street, closed, not vacated, admission refused.
- No. 119 Canal street, closed, not vacated, admission refused.
- No. 121 Canal street, closed, not vacated, admission refused.
- No. 128 Canal street, closed, not vacated, admission refused.
- No. 91 Chrystie street, closed, not vacated, admission refused.
- No. 139 Chrystie street, licensed liquor store and dance hall.
- No. 146 Chrystie street, closed, not vacated, admission refused.
- No. 173 Chrystie street, licensed liquor store.
- No. 189 Chrystie street, tenement-house, liquor and grocery store.
- No. 29 Rivington street, closed, not vacated, admission refused.
- No. 31 Rivington street, closed, not vacated, admission refused.
- No. 33 Rivington street, closed, not vacated, admission refused.
- No. 30 Stanion street, closed, not vacated, admission refused.

- No. 32 Stanton street, closed, not vacated, admission refused.
 No. 34 Stanton street, closed, not vacated, admission refused.
 No. 38 Stanton street, five-story tenement-house.
 No. 50 Stanton street, closed, not vacated, admission refused.
 No. 71 Allen street, licensed liquor saloon, no gambling.
 No. 119 Bowery, unoccupied.
 No. 13 Delancey street, coffee saloon, no gambling.
 No. 145 East Houston street, shoe store.
 No. 153 East Houston street, liquor, shoe and butcher stores,
 tenement-house, no gambling.
 No. 245 East Houston street, cafe, no gambling.
 No. 253 East Houston street, cafe, no gambling.
 No. 259 East Houston street, licensed liquor store, no gambling.
 No. 328 1-2 Grand street, ex-Alderman Benjamin's cigar store,
 no gambling.
 No. 73 Ludlow street, licensed liquor store, no gambling.
 No. 149 Ludlow street, licensed liquor store, no gambling.
 No. 87 Norfolk street, coffee saloon, no gambling.
 No. 92 Orchard street, unoccupied.
 No. 54 Rivington street, licensed liquor beer saloon, no
 gambling.
 Northeast corner Rivington and Forsyth streets, licensed liquor
 store, no gambling.

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry Street,
 New York, September 30, 1893. }

Thomas Byrnes, Superintendent:

Sir.—In compliance with your orders to investigate and report
 on the annexed list of alleged disorderly houses and places where
 gambling is alleged to be carried on in the Eleventh precinct,
 I respectfully report that, from personal knowledge and obser-
 vation and visits made on the 28th and 29th inst. by officers
 detailed for that purpose, no violations of the law were dis-
 covered.

ALEX. S. WILLIAMS,
 Inspector, First District.

- No. 117 Allen street, closed, not vacated, admission refused.
 No. 150 Allen street, cigar store, closed, not vacated, admission
 to rear refused.
 No. 178 Allen street; no such number.
 No. 180 1-2 Allen street, closed, not vacated, admission refused.
 No. 204 Allen street, closed, not vacated, admission refused.

- No. 22 Bayard street, closed, not vacated, admission refused.
- No. 23 Bayard street, closed, not vacated, admission refused.
- No. 24 Bayard street, closed, not vacated, admission refused.
- No. 28 Bayard street, closed, not vacated, admission refused.
- No. 28 Bayard street, closed, not vacated, admission refused.
- No. 30 Bayard street, closed, not vacated, admission refused.
- No. 32 Bayard street, closed, not vacated, admission refused.
- No. 33 Bayard street, closed, not vacated, admission refused.
- No. 101 Canal street, closed, not vacated, admission refused.
- No. 102 Canal street, closed, not vacated, admission refused.
- No. 117 Canal street, closed, not vacated, admission refused.
- No. 119 Canal street, closed, not vacated, admission refused.
- No. 121 Canal street, closed, not vacated, admission refused.
- No. 128 Canal street, closed, not vacated, admission refused.
- No. 91 Chrystie street, closed, not vacated, admission refused.
- No. 139 Chrystie street, licensed liquor store and dance hall.
- No. 146 Chrystie street, closed, not vacated, admission refused.
- No. 173 Chrystie street, licensed liquor store.
- No. 183 Chrystie street, tenement-house liquor and grocery store.
- No. 5 Delancey street, closed, not vacated, admission refused.
- No. 6 Delancey street, closed, not vacated, admission refused.
- No. 10 Delancey street, closed, not vacated, admission refused.
- No. 12 Delancey street, closed, not vacated, admission refused.
- No. 14 Delancey street, closed, not vacated, admission refused.
- No. 16 Delancey street, closed, not vacated, admission refused.
- No. 78 Delancey street, closed, not vacated, admission refused.
- No. 51 Eldridge street, closed, not vacated, admission refused.
- No. 70 Eldridge street, closed, not vacated, admission refused.
- No. 81 Eldridge street, closed, not vacated, admission refused.
- No. 141 Eldridge street, closed, not vacated, admission refused.
- No. 43 Forsythe street, closed, not vacated, admission refused.
- No. 74 Forsythe street, closed, not vacated, admission refused.
- No. 109 Forsythe street, closed, not vacated, admission refused.
- No. 135 Forsythe street, licensed liquor store, admission refused.
- No. 110 Hester street, clothing store.
- No. 137 1-2 Hester street, closed, not vacated, admission to near refused.
- No. 12 Rivington street, closed, not vacated, admission refused.
- No. 21 Rivington street, closed, not vacated, admission refused.
- No. 27 Rivington street, closed, not vacated, admission refused.
- No. 29 Rivington street, closed, not vacated, admission refused.
- No. 31 Rivington street, closed, not vacated, admission refused.
- No. 33 Rivington street, closed, not vacated, admission refused.

- No. 30 Stanton street, closed, not vacated, admission refused.
 No. 32 Stanton street, closed, not vacated, admission refused.
 No. 34 Stanton street, closed, not vacated, admission refused.
 No. 38 Stanton street, five-story tenement-house.
 No. 50 Stanton street, closed, not vacated, admission refused.
 No. 56 Stanton street, closed, not vacated, admission refused.
 No. 71 Allen street, licensed liquor saloon, no gambling.
 No. 119 Bowery, unoccupied.
 No. 31 Delancey street, coffee saloon, no gambling.
 No. 145 East Houston street, shoe store, no gambling.
 No. 153 East Houston street, licensed liquor and butcherstore,
 no gambling.
 No. 245 East Houston street, cafe, no gambling.
 No. 253 East Houston street, cafe, no gambling.
 No. 259 East Houston street, liquor store, licensed, no
 gambling.
 No. 328 1-2 Grand street, ex-Alderman Benjamin's cigar store;
 no gambling.
 No. 73 Ludlow street, coffee and liquor saloon; no gambling.
 No. 149 Ludlow street, licensed liquor store; no gambling.
 No. 87 Norfolk street, coffee saloon; no gambling.
 No. 92 Orchard street, unoccupied; no gambling.
 No. 54 Rivington street, licensed liquor store; no gambling.
 Northwest corner Rivington and Forsythe street, licensed
 liquor store; no gambling.
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POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry Street, }
 New York, October 10, 1893. }

Thomas Byrnes, Superintendent:

Sir.—In compliance with your orders to investigate and report
 on the annexed list of alleged disorderly houses and places
 where gambling is alleged to be carried on in the Eleventh pre-
 cinct, I respectfully report that from personal observation and
 visits made on the 6th and 7th instant by officers detailed for
 that purpose, no violations of the law were discovered.

ALEX. S. WILLIAMS,
 Inspector, First District.

- No. 117 Allen street, closed, not vacated, admission refused.
 No. 117 Allen street, closed, not vacated, admission refused.
 No. 150 Allen street, cigar store, admission to rear refused.
 No. 178 Allen street. There is no such number.

- No. 180 1-2 Allen street, closed, not vacated, admission refused.
 No. 204 Allen street, closed, not vacated, admission refused.
 No. 22 Bayard street, closed, not vacated, admission refused.
 No. 23 Bayard street, closed, not vacated, admission refused.
 No. 24 Bayard street, closed, not vacated, admission refused.
 No. 28 Bayard street, closed, not vacated, admission refused.
 No. 30 Bayard street, closed, not vacated, admission refused.
 No. 32 Bayard street, closed, not vacated, admission refused.
 No. 33 Bayard street, closed, not vacated, admission refused.
 No. 43 Forsythe street, closed, not vacated, admission refused.
 No. 74 Forsythe street, closed, not vacated, admission refused.
 No. 109 Forsythe street, closed, not vacated, admission refused.
 No. 135 Forsythe street, licensed liquor store, admission refused.
 No. 110 Hester street, clothing store.
 No. 137 1-2 Hester street, cigar store, admission to rear refused.
 No. 12 Rivington street, closed, not vacated, admission refused.
 No. 21 Rivington street, closed, not vacated, admission refused.
 No. 27 Rivington street, closed, not vacated, admission refused.
 No. 29 Rivington street, closed, not vacated, admission refused.
 No. 31 Rivington street, closed, not vacated, admission refused.
 No. 33 Rivington street, closed, not vacated, admission refused.
 No. 30 Stanton street, closed, not vacated, admission refused.
 No. 32 Stanton street, closed, not vacated, admission refused.
 No. 34 Stanton street, closed, not vacated, admission refused.
 No. 38 Stanton street, five-story tenement-house; admission refused.
 No. 50 Stanton street, closed, not vacated, admission refused.
 No. 56 Stanton street, closed, not vacated, admission refused.
 No. 71 Allen street, licensed liquor store; no gambling.
 No. 119 Bowery, unoccupied.
 No. 13 Delancey street, coffee saloon; no gambling.
 No. 145 East Houston street, shoe store; no gambling.
 No. 153 East Houston street, licensed liquor store and meat market; no gambling.
 No. 245 East Houston street, cafe; no gambling.
 No. 253 East Houston street, cafe; no gambling.
 No. 259 East Houston street, licensed liquor store; no gambling.
 No. 101 Canal street, closed, not vacated, admission refused.
 No. 102 Canal street, closed, not vacated, admission refused.
 No. 117 Canal street, closed, not vacated, admission refused.
 No. 119 Canal street, closed, not vacated, admission refused.
 No. 121 Canal street, closed, not vacated, admission refused.
 No. 128 Canal street, closed, not vacated, admission refused.
 No. 91 Chrystie street, closed, not vacated, admission refused.
 No. 139 Chrystie street, licensed liquor store and dance hall.

No. 146 Chrystie street, closed, not vacated, admission refused.

No. 173 Chrystie street, licensed liquor store.

No. 183 Chrystie street, tenement-house, liquor store and grocery.

No. 5 Delancey street, closed, not vacated, admission refused.

No. 6 Delancey street, closed, not vacated, admission refused.

No. 8 Delancey street, closed, not vacated, admission refused.

No. 10 Delancey street, closed, not vacated, admission refused.

No. 12 Delancey street, closed not vacated, admission refused.

No. 14 Delancey street, closed, not vacated, admission refused.

No. 16 Delancey street, closed, not vacated, admission refused.

No. 78 Delancey street, closed, not vacated, admission refused.

No. 51 Eldridge street, closed, not vacated, admission refused.

No. 70 Eldridge street, closed, not vacated, admission refused.

No. 81 Eldridge street, closed, not vacated, admission refused.

No. 141 Eldridge street, closed, not vacated, admission refused.

No. 328 1-2 Grand street, ex-Alderman Benjamin's cigar store.

No. 73 Ludlow street, coffee and liquor saloon, no gambling.

No. 149 Ludlow street, licensed liquor store, no gambling.

No. 87 Norfolk street, coffee saloon, no gambling.

No. 92 Orchard street, unoccupied.

No. 54 Rivington street, licensed liquor beer saloon.

Northwest corner Rivington and Forsythe street, licensed liquor and beer saloon, no gambling or policy in the last two places.

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry Street,

New York, October 2, 1893. }

Thomas Byrnes, Superintendent:

Sir. — In compliance with your orders to investigate and report upon the annexed list of alleged disorderly houses and places where it is alleged gambling is being carried on in the Eleventh precinct, I respectfully report that from personal observation and visits made on the 16th and 17 inst., by officers detailed for that purpose, no violations of the law were discovered.

ALEX S. WILLIAMS,

Inspector, First District.

Nos. 91, 109 Chrystie street, closed, not vacated, admission refused.

Nos. 102, 117, 121, 128 Canal street, closed, not vacated, admission refused.

Nos. 51, 70, 81 Eldridge street, closed, not vacated, admission refused.

Nos. 12, 21, 29, 33, 44 Rivington street, closed, not vacated, admission refused.

Nos. 22, 23, 24, 28, 30, 32, 33 Bayard street, closed, not vacated, admission refused.

No. 71 Allen street, licensed store.

No. 71 Allen street, licensed liquor store, no gambling.

No. 187 Allen street. There is no such number.

Nos. 171, 150, 180 1-2, 204 Allen street, closed, not vacated, admission refused.

Nos. 30, 32, 34, 38, 50, 58 Stanton street, closed, not vacated, admission refused.

Nos. 5, 6, 8, 10, 12, 14, 16, 78 Delancey street, closed, not vacated, admission refused.

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry street,
New York, October 28, 1893. }

Thomas Byrnes, Superintendent:

Sir.—In compliance with your order to investigate and report on the annexed list of alleged disorderly houses and places where it is alleged gambling is being carried on, in the Eleventh precinct, I respectfully report that from present observation and visits made on the 26th and 27th inst., by officers detailed for that purpose, no violations of the law were observed.

ALEX S. WILLIAMS,
Inspector, First District.

No. 71 Allen street is a licensed liquor store, no gambling.

Nos. 91, 109 Chrystie street, closed.

Nos. 102, 117, 121, 128 Canal street, closed.

Nos. 43, 74, 109, 143 Forsythe street, closed.

Nos. 51, 70, 81 Eldridge street, closed.

Nos. 21, 24, 29, 33, 44 Rivington street, closed.

Nos. 22, 23, 24, 28, 30, 32, 33 Bayard street, closed.

Nos. 117, 150, 180 1-2, 204 Allen street, closed.

Nos. 30, 32, 34, 38, 50, 58 Stanton street, closed.

Nos. 5, 6, 8, 10, 12, 14, 16, 78 Delancey street, closed.

There is no such number as 178 Allen street.

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POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry Street,
New York, November 4, 1893. }

Thomas Byrnes, Superintendent:

Sir.—In compliance with your orders to investigate and report upon the annexed list of alleged disorderly houses and places where it is alleged that gambling is being carried on in the Eleventh precinct, I respectfully report that from personal observation, and from visits made on the 2d and 3d inst., by officers detailed for that purpose, no violations of the law were observed.

ALEX. S. WILLIAMS,
Inspector, First District.

No. 71 Allen street, licensed liquor store, no gambling.
Nos. 91, 109 Chrystie street, closed.
Nos. 43, 74, 109, 143 Forsythe street, closed.
Nos. 51, 70, 81 Eldridge street, closed.
Nos. 12, 21, 29, 33, 34 Rivington street, closed.
Nos. 22, 23, 24, 28, 30, 32, 33 Bayard street, closed.
Nos. 117, 150, 180 1-2, 204 Allen street, closed.
Nos. 30, 32, 34, 50, 58 Stanton street, closed.
Nos. 5, 6, 8, 10, 12, 14, 16, 78 Delancey street, closed.
There is no such number as 178 Allen street.

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry Street,
New York, November 11, 1893. }

Thomas Byrnes, Superintendent:

Sir.—In compliance with your orders to investigate and report upon the annexed list of alleged disorderly houses and places where gambling is alleged to be carried on in the Eleventh precinct, I respectfully report that, from personal observation, and from visits made on the 9th and 10th inst., by officers detailed for the purpose, no violations of the law were observed.

ALEX. S. WILLIAMS,
Inspector, First District.

No. 71 Allen street, licensed liquor store, no gambling.
 Nos. 91, 109 Chrystie street, closed.
 Nos. 43, 74, 109, 143 Forsythe street, closed.
 Nos. 51, 70, 81 Eldridge street, closed.
 Nos. 12, 21, 29, 33, 44 Rivington street, closed.
 Nos. 22, 23, 24, 28, 30, 32, 33 Bayard street, closed.
 Nos. 117, 150, 180 1-2, 204 Allen street, closed.
 Nos. 30, 32, 34, 50, 58 Stanton street, closed.
 Nos. 5, 6, 8, 10, 12, 14, 16, 78 Delancey street, closed.
 There is no such number as 178 Allen street

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry Street,
 New York, November 18, 1893. }

Thomas Byrnes, Superintendent:

Sir.—In compliance with your orders to investigate and report upon the annexed list of alleged disorderly houses and places where gambling is alleged to be carried on in the Eleventh precinct, I respectfully report that, from personal observation, and from visits made on the 16th and 17th inst., by officers detailed for that purpose, no violations of the law were observed.

ALEX. S. WILLIAMS,
 Inspector, First District.

No. 71 Allen street, licensed liquor store, no gambling.
 Nos. 91, 109 Chrystie street, closed.
 Nos. 43, 74, 109, 143 Forsythe street, closed.
 Nos. 51, 70, 81 Eldridge street, closed.
 Nos. 12, 21, 29, 33, 44 Rivington street, closed.
 Nos. 22, 23, 24, 28, 30, 32, 33 Bayard street, closed.
 Nos. 117, 150, 180 1-2, 204 Allen street, closed.
 Nos. 30, 32, 34, 50, 58 Stanton street, closed.
 Nos. 5, 6, 8, 10, 12, 14, 16, 78 Delancey street, closed.
 There is no such number in Allen street as 178.

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry Street,
 New York, November 25, 1893. }

Thomas Byrnes, Superintendent:

Sir.—In compliance with your orders to investigate and report upon the annexed list of alleged disorderly houses and

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places where gambling is alleged to be carried on in the Eleventh precinct, I respectfully report that, from personal observations and from visits made by officers detailed for that purpose, I respectfully report that no violations of the law were observed.

ALEX. S. WILLIAM.

Inspector, First District.

No. 71 Allen street, is a licensed liquor store, no gambling.

Nos. 91, 109 Chrystie street, closed.

Nos. 43, 74, 109, 143 Forsythe street, closed.

Nos. 51, 70, 81 Eldridge street, closed.

Nos. 12, 21, 29, 33, 44 Rivington street, closed.

Nos. 22, 23, 24, 28, 30, 32, 33 Bayard street, closed.

Nos. 117, 150, 180 1-2 Allen street, closed.

Nos. 30, 32, 34, 50, 58 Stanton street, closed.

Nos. 5, 6, 8, 10, 14, 16, 78 Delancey street, closed.

There is no such number as 178 Allen street.

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry Street,

New York, December 2, 1893. }

Thomas Byrnes, Superintendent:

Sir. — In compliance with your orders to investigate and report upon the annexed list of alleged disorderly houses and places where it is alleged gambling is being carried on in the Eleventh precinct, I respectfully report that from personal observation and from visits made at different hours of the night and day-time during the past week, no violations of the law were observed:

ALEX. S. WILLIAMS,

Inspector, First District.

No. 71 Allen street, licensed liquor store, no gambling.

Nos. 91, 109 Chrystie street, closed.

Nos. 43, 74, 109, 143 Forsythe street, closed.

Nos. 51, 70, 81 Eldridge street, closed.

Nos. 12, 21, 29, 33, 44 Rivington street, closed.

Nos. 22, 23, 24, 28, 30, 32, 33 Bayard street, closed.

Nos. 117, 150, 180 1-2, 204 Allen street, closed.

Nos. 30, 32, 34, 50, 58 Stanton street, closed.

Nos. 5, 6, 8, 10, 12, 14, 16, 78 Delancey street, closed.

There is no such number as 178 Allen street.

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry Street,
New York, December 9, 1893. }

Thomas Byrnes, Superintendent:

Sir.—In compliance with your orders to investigate and report upon the annexed list of alleged disorderly houses and places where it is alleged gambling is being carried on in the Eleventh precinct, I respectfully report that, from personal observation and from visits made at different hours of the day and night during the past week, no violations of the law were observed.

ALEX. S. WILLIAMS,
Inspector, First District.

No. 71 Allen street, is a licensed liquor store, no gambling.
Nos. 91, 109 Chrystie street, closed.
Nos. 43, 74, 109, 143 Forsythe street, closed.
Nos. 51, 70, 81 Eldridge street, closed.
Nos. 12, 21, 29, 33, 44 Rivington street, closed.
Nos. 22, 23, 24, 28, 30, 32, 33 Bayard street, closed.
Nos. 117, 150, 180 1-2, 204 Allen street, closed.
Nos. 30, 32, 34, 50, 58 Stanton street, closed.
Nos. 5, 6, 8, 10, 12, 14, 16, 78 Delancey street, closed.
(There is no such number as 178 Allen street.

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry Street,
New York, December 23, 1893. }

Thomas Byrnes, Superintendent:

Sir.—In compliance with your orders to investigate and report upon the annexed list of alleged disorderly houses and places where it is alleged gambling is being carried on in the Eleventh precinct, I respectfully report that, from personal observation, and from visits made at different hours of the day and night during the past week, by officers detailed for that purpose, no violations of the law were observed.

ALEX. S. WILLIAMS,
Inspector, First District.

No. 71 Allen street is a licensed liquor store, no gambling.
Nos. 91, 109 Chrystie street, closed.
Nos. 43, 74, 109, 143 Forsythe street, closed.
Nos. 51, 70, 81 Eldridge street, closed.

Nos. 12, 21, 29, 33, 44 Rivington street, closed.
 Nos. 22, 23, 24, 28, 30, 32, 33 Bayard street, closed.
 Nos. 117, 150, 180 1-2, 204 Allen street, closed.
 Nos. 30, 32, 34, 50, 58 Stanton street, closed.
 Nos. 5, 6, 8, 10, 12, 14, 16, 78 Delancey street, closed.
 [There is no such number as 178 Allen street.

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry Street,
 New York, January 1, 1894. }

Thomas Byrnes, Superintendent:

Sir.—In compliance with your orders to investigate and report upon the annexed list of alleged disorderly houses and places where it is alleged gambling is being carried on in the Eleventh precinct, I respectfully report that, from personal observation, and from visits made at different hours of the day and night during the past week, by officers detailed for that purpose, no violations of the law were observed.

ALEX. S. WILLIAMS,
 Inspector, First District.

No. 71 Allen street is a licensed liquor store, no gambling.
 Nos. 91, 109 Chrystie street, closed.
 Nos. 43, 74, 109, 143 Forsythe street, closed.
 Nos. 51, 70, 81 Eldridge street, closed.
 Nos. 12, 21, 29, 33, 44 Rivington street, closed.
 Nos. 22, 23, 24, 28, 30, 33 Bayard street, closed.
 Nos. 30, 32, 34, 50, 58 Stanton street, closed.
 Nos. 5, 6, 8, 10, 12, 14, 16, 78 Delancey street, closed.
 [There is no such number as 178 Allen street.

POLICE DEPARTMENT OF THE CITY OF NEW YORK:

No. 300 Mulberry Street, Precinct No. 11,
 New York, September 16, 1893. }

Thomas Byrnes, Superintendent:

Sir.—In compliance with your order for report on a communication received by me on August 10, 1893, complaining of disorderly and gambling-houses in this precinct, and signed C. H. Parkhurst, T. K. Kemerson and Frank Moss.

I respectfully state that the following alleged disorderly houses are closed and doing no business, viz.: Nos. 117, 150, 178, 180 1-2 and 204 Allen street; Nos. 22, 23, 24, 28, 30, 32 and 33 Bayard street; Nos. 101, 102, 117, 119, 121 and 128 Canal street; Nos. 139, 146, 173 and 189 Chrystie street; Nos. 5, 6, 8, 10, 12, 14, 16 and 78 Delancey street; Nos. 51, 70, 81 and 141 Eldridge street; Nos. 43, 74, 109 and 135 Forsythe street; Nos. 110 and 137 1-2 Hester street; Nos. 12, 21, 27, 29, 31 and 33 Rivington street; Nos. 30, 32, 34, 38, 50 and 56 Stanton street.

P. S.—There is no such number as 178 Allen street. No. 139 Chrystie street is a licensed liquor store, with a dance-hall in the rear. It is not a disorderly house. No. 173 Chrystie street is a licensed liquor store, and occupied by the proprietor.

No. 189 Chrystie street is a five-story tenement, high stoop, with a licensed liquor store and a grocery store on the ground floor.

No. 110 Hester street is a clothing store, and is not a disorderly house.

No. 38 Stanton street is a five-story, stoop tenement, and is not a disorderly house.

The following alleged gambling-houses are not gambling-houses, neither have they been since I have been assigned to this precinct:

No. 71 Allen street; No. 119 Bowery; No. 13 Delancey street; Nos. 145, 153, 345, 353 and 259 East Houston street; No. 328 1-2 Grand street; Nos. 73 and 149 Ludlow street; No. 87 Norfolk street; No. 92 Orchard street; No. 54 Rivington street, and northwest corner of Rivington and Forsythe streets.

P. S.—No. 119 Bowery and No. 92 Orchard street are unoccupied. No. 71 Allen street; Nos. 73 and 149 Ludlow street; No. 259 East Houston street; No. 54 Rivington street and northwest corner of Rivington and Forsythe streets are licensed liquor stores, and there are no gambling on these premises. No. 153 East Houston street is a five-story tenement-house, occupied by about 20 families, with a licensed liquor store and a butcher store on the ground floor. No. 13 Delancey street; Nos. 245 and 253 East Houston street, and No. 87 Norfolk street are coffee saloons, and no gambling carried on in any of those places. No. 145 East Houston street is a shoe store, and has been for the past five years. No. 328 1-2 Grand street is a cigar store, and no gambling carried on there.

I have kept, and will keep, all the above-mentioned places under strict surveillance, and if evidence should be obtained that will warrant police interference, arrests will be made.

Respectfully,

WILLIAM S. DEVERY,

Captain Eleventh Precinct.

Fifteen other reports, all signed by Captain William S. Devery, of exactly the same wording as a preceding paper, with the exception that they were dated, respectively, September 23d, 1893; September 26, 1893; September 30, 1893; October 3, 1893; October 4, 1893; October 10, 1893; October 14, 1893; October 17, 1893; October 21, 1893; October 24, 1893; October 28, 1893; October 31, 1893; November 4, 1893; November 7, 1893; November 11, 1893, and November 14, 1893, were produced in evidence by Mr. Moss.

There were also produced by Mr. Moss, in evidence, six other reports of the same wording, with the exception that they were signed by William F. McCoy, sergeant in charge of Eleventh precinct, stating that the communication was received by Captain William S. Devery, on the same date as mentioned in the previous reports (August 10, 1893); and these reports were dated, respectively, November 18, 1893; November 21, 1893; November 25, 1893; November 28, 1893; December 2, 1893, and December 5, 1893.

Proceedings of the twenty-ninth meeting of the committee, Wednesday, June 20, 1894, at 10:30 a. m.:

Present.—Senators Clarence Lexow, Edmund O'Connor, Daniel Bradley, Jacob A. Cantor, Cuthbert W. Pound and George W. Robertson, of the committee.

Mr. Goff, Mr. Jerome and Mr. Moss, of counsel for the committee.

Mr. Ransom, of counsel for the police board.

Chairman Lexow.—Are you ready, Mr. Goff?

Mr. Goff.—Yes, sir.

Chairman Lexow.—Before proceeding with the work of counsel I have been requested, by the committee to call attention to an article in the World of this morning headed, "Committee Secrets Betrayed." According to it, it appears that one of the door-keepers appointed by this committee has disappeared suddenly during the proceedings of yesterday; and the supposition, or the intimation contained in the article is, that he went off with the purpose of giving information. The committee desires to say that there is not a word of truth in the article. The person mentioned was sent by the committee to the stenographer's office, for the purpose of getting another stenographer here, and he came back immediately afterwards; and Mr. Goff and Mr. Moss both informed the committee that they did not make the statements with reference to Mr. Anderson that are contained in the paper; nor are any of the employes of the Senate committee suspected in any way by the counsel or by the committee. Any

article of this kind can not help but affect disadvantageously the discipline of the employes of the Senate committee here; and we hope there won't be a repetition of articles of that kind, unless the committee have been interviewed beforehand, and it has been ascertained whether or not there is any truth in it. If there is any truth in matters of that kind, the committee will take the promptest kind of action upon them. Mr. Goff, has Mr. Divver requested to be heard in his vindication before the committee?

Mr. Goff.—I have had no such communication, sir.

Chairman Lexow.—I inquired because the committee have, to a certain extent, established a precedent where a judge's character has been brought before the committee; and, as they represented the dispensation of justice, there should attach to them a greater amount of public credit than probably to other make a statement of that kind. It is fair to give him an opportunity to vindicate themselves, if they can.

Senator Cantor.—You have noticed interviews in the paper; in the morning paper, from Judge Divver; so, it is hardly fair to make a statement of that kind. It is fair to give him an opportunity to be heard, if he desires it.

Chairman Lexow.—Certainly. I think it is only fair that an official who administers police justice in the city should have that opportunity. If the charges against him are false, he ought to have an opportunity to explain them. You have no requests from Judge Divver, have you, Mr. Ransom?

Mr. Ransom.—No; I have none that I am authorized to make from Judge Divver. I have not heard from him. I should not have expected to have so early in the morning, and indeed I know he would not have communicated with me. The proceedings of yesterday were fairly reported in the papers I have read, and I read more generally the Sun, which is the paper I read every morning, as everything in that paper is true, and it always shines; and I find in that paper a very carefully-prepared interview, I fancy, with Judge Divver, in which he categorically answered every charge made against him, and denied the truth of the testimony of this witness. I fancy that was the first opportunity he had had to communicate with the public, and that he will be here and make some request; of course, I do not know.

Senator O'Connor.—I presume the chairman will assume that the Judge would like to subject himself to a little cross-examination.

Senator Cantor.—He is the best judge of the time for that cross-examination.

Chairman Lexow.—I thought that Judge Divver might have

assumed, inasmuch as we had refused, subsequently to the examination of Judge Roesch, to give police captains a similar privilege, that that privilege would not be accorded to him, and it was the purpose of disabusing his mind of any such idea I made the statement.

Mr. Ransom.—Judge Roesch appeared very promptly, and was examined very fully; and Judge Divver possibly is a little more deliberate in his methods and preferred to make his statement, which he did make, in the paper this morning; and I say again, Mr. Chairman, that I have no authority to speak for Mr. Divver.

Senator O'Connor.—I think his discretion is to be commended.

Mr. Ransom.—His discretion! Well, that is the opinion of another very eminent Senator on the committee, and no doubt it is a very fair one, according to his own judgment.

Mr. Goff.—Is Emma DeForrest in court? (No answer.)

Chairman Lexow.—Will you call your witness, Mr. Goff? It is 10 minutes after 11 now.

Mr. Goff.—Yes, sir.

Ida L. Morton, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Do you know Lucy McCarty? A. Yes.

Q. Just a little louder, Miss Morton? A. Yes, sir; I do.

Q. Do you know where Mrs. McCarty is now? A. I do not.

Q. She is out of town? A. I believe so.

Q. Were you employed by Mrs. McCarty in any capacity in her house in 1892? A. I was, in 1890, from April to August.

Q. In what capacity? A. As housekeeper and accountant.

Q. And accountant? A. Yes.

Q. Now, I want to have an understanding with you at the commencement; were you one of her girls in the ordinary acceptance of the term? A. No, sir.

Q. You were not there for illicit purposes, were you? A. Not at all.

Q. You are an honest woman, are you? A. I am.

Q. Married? A. Yes, sir.

Q. Husband living? A. Yes, sir.

Q. And you have got children, I believe? A. Yes, sir.

Q. How did you come to go to Mrs. McCarty? A. It was simply a case of necessity; I was not capable of doing the hard, ordinary work; my husband is an invalid; it was necessary for me to earn money; and, by the advice of a friend, I went there and applied for a position, knowing nothing whatever of the work that was entailed upon me; I asked what my work would be; I was answered simply to keep the books of the

house, to do any private correspondence, and see the house was kept in order; I accepted the position, and that was all I was ever called upon to do.

Q. So that, in so far as the main visitors to that house were concerned, you had no intercourse with them? A. Only when Mrs. McCarty was out, in answering the door.

Q. And introducing them, I suppose, to young ladies in the house? A. Sending the young ladies into the parlor, where the guest desired to see them.

Q. And your occupation was solely in the keeping of accounts? A. And in attending to the housework of the house.

Q. Attending to the purchasing—? A. The purchasing of groceries, and paying the servants, and looking over the house, and seeing it was kept in order.

Q. How many girls did Mrs. McCarty keep in her house, on the average? A. The least she ever had when I was there was 10 boarders.

Q. And, in addition to that, weren't there girls from the outside? A. Several who came in in the evening.

Q. And how many servants did she have there? A. She had a cook, and waiter, two chambermaids, and two laundresses, and myself, and one woman for what is commonly called the wine-room.

Q. She attended to the opening of wine? A. Of the wine; yes, sir.

Q. Did you do her banking business for her? A. While she was in the country.

Q. What bank? A. The Bank of the Metropolis.

Q. Where is that bank located? A. It is on Broadway, Sixteenth or Seventeenth street; it is opposite Union square.

Q. Sixteenth street? A. The street I have forgotten.

Q. What was the number of the house? A. At that time it was solely 104.

Q. What street? A. West Forty-ninth street.

Q. Well, but, did she not have another house in addition to that? A. She did, after I left; she opened the house 106.

Q. The adjoining house? A. Yes.

Q. When were you there, Miss Morton? A. From April, 1892, until the last week in August, 1892.

Q. Do you know what captain of police was captain in that precinct at that time? A. I am certain of one; I think there was a transfer made there just at the beginning of my stay there, or previous to my going there; Captain Devery was there; I know of that; and I think the name of Houghy was mentioned, either as having been there recently, or in the past, for

he was spoken of as a very nice captain; that is how I remember the name.

Q. Well, now, did you know anything about Mrs. McCarty's paying to the police any money while you were there? A. I never saw any money paid directly to anyone for protection of any kind.

Q. Well, in making up the accounts, Miss Morton, do you know whether there was ever any item on that point? A. The only item that I remember of that kind was \$50 that I was asked to hand to her the night she returned from the country.

Q. Where had she been in the country? A. Richfield Springs and Sharon.

Q. In the summer of 1892? A. Eighteen hundred and ninety-three; three weeks.

Q. Before she went to the country, did she give you any instruction? A. To be very careful and keep the chain on the front door, and be very particular who I admitted.

Q. Did she give any reason why you should be particular? A. That Dr. Parkhurst had given trouble, and that she was notified that she should keep very quiet during the summer.

Q. Did she say who notified her? A. The wardman.

Q. Did she mention his name? A. No, sir.

Q. So, while she was in Richfield Springs, you were, practically speaking, in control of the house? A. Yes.

Q. Were you visited during that time by any police officers? A. No, sir; I was not.

Q. I mean the house, so far as your knowledge? A. No, sir; not while Mrs. McCarthy was away.

Q. On Mrs. McCarthy's return, did she have anything to say as to the manner in which the house was conducted, during her absence? A. She returned on Tuesday, at half-past 10; and that night I answered the door, and a man inquired for her, and I showed him into the parlor; after the lapse of 15 or 20 minutes she returned and told me she had been informed that during her absence I had been very careless in leaving the front door open, and having a great deal of noise; I denied it, and she said, "You can not; the wardman is here, now;" and, I said, "I still deny it."

Q. Did she say anything further to you? A. She left me, and went in the front room, and returning she said, "Don't allow anybody to come up from the basement, and have you any money."

Chairman Lexow.—Can she give the name of this wardman, Mr. Goff?

Mr. Goff.—No, sir; not as I understand it.

By Senator Cantor:

Q. Did you see the wardman? A. Yes, sir.

Q. Did you recognize him? A. I can not; I only know him as being short and stout and dark.

By Mr. Goff:

Q. What did she ask you, when you returned? A. She asked me if I had \$50, and she said, "Let me have it, and remain there;" she took the \$50, and went into the parlor where the man was; she showed him out, and as she was showing him out she thanked him; for what, I don't know; but said, "Tell the captain I will make it all right."

Q. Did you ever see Mrs. McCarty talk to the patrolman on the beat? A. In one occasion; she called him a patrolman; she called me to the front stoop; sent me in for some whisky, and told me to bring out a \$5 bill, and also handed him one; turned around again and asked me for another to hand to the patrolman that relieved him at midnight.

Q. They were in uniform, these patrolmen? A. They were; yes, sir.

By Chairman Lexow:

Q. What time was that? A. Eleven o'clock.

Q. Was it around Christmas or New Year's? A. No, sir; I was there from April until August only,

By Mr. Goff:

Q. Was whisky given to each one? A. No, sir.

Q. Only to the first? A. The first.

Q. You have not had any connection with her since August, 1892, have you? A. I have not heard from her, and have only met her once on the elevated station, and did not speak to her.

Q. You left the place then? A. I left the place in August.

Q. And have you been connected with any houses of similar character since? A. Never before or since.

Q. Nor since? A. No, sir.

Mr. Goff.— You may ask.

Mr. Ransom.— No question.

By Chairman Lexow:

Q. What did you do with the account book when you left? A. Left that with Mrs. McCarty.

Q. Were they regular books of account? A. Only my system of bookkeeping.

Q. And you entered the expenses of the establishment? A. Yes, sir; the money that was handed to me, and the money I expended.

Q. Did you enter in each case, the purpose for which the money was spent? A. Yes.

Q. Did you spend the money? A. In some cases.

Q. The ordinary housekeeping expenses you paid out? A. I settled the ordinary grocery bill and occasionally went around and paid the gas bill.

Q. Were any large amounts contained in this account-book, without stating the specific purpose? A. Only when I gave the \$50; when I was settling with Mrs. McCarty she told me to put that down to the house \$50.

Q. Between April and August, were any other payments put down? A. No, sir.

Q. Were any other payments put down without adequate explanation? A. I don't remember.

Q. Any other \$50 charges? A. No, sir; no \$50.

Q. Any \$100 charges? A. I don't remember any other charges, except the \$50.

Q. Were there any charges over \$50, of which there was no explanation? A. I don't remember.

Q. Were there any regular charges connected with the regular housekeeping of the house? A. I don't remember.

By Senator O'Connor

Q. Did you receive all the money that was received? A. In this way; I settled with the young ladies; the young ladies paid their board to me; I had charge of the money, and they settled with me in money, and 3 o'clock in the afternoon I made up the account with Mrs. McCarty.

Q. And you paid it over to Mrs. McCarty? A. Every day, except when she was away, and I banked it.

By Mr. Goff

Q. You don't know what she did with the money? A. No, sir.

Q. She made many payments of money you kept no track of? A. No, sir.

Q. Miss McCarty may have paid policemen or captains and you know nothing about it? A. Certainly.

Q. She had the means to do it? A. Yes, sir.

Q. And there was no record kept of the money she paid out of the bank? A. No, sir.

By Chairman Lexow:

Q. The reason she asked you for the \$50, was because she had been away? A. Because she had been away, and had just returned, and had no money; I had no opportunity to make a settlement with her.

Q. Up to the time she asked for the \$50, you had not made settlement with her for the preceding three weeks? A. I had not.

By Senator Bradley:

Q. Did any other person demand money of you during her absence? A. No, sir.

Q. Did any one come to you and ask you for money? A. No, sir.

Mr. Ransom.—No questions, madam.

Chairman Lexow.—The next witness, Mr. Goff.

Ada Clinton, called as a witness on behalf of the State, was duly sworn:

Mr. Goff.—Will you allow this witness to step one side, if you please, for a moment?

Chairman Lexow.—Will you step one side, please, for a moment?

Charles F. Schloss, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Mr. Schloss, had you any particular business in coming to court to-day? A. No, sir; I came down with that lady.

Chairman Lexow.—What lady?

Mr. Goff.—Miss Clinton?

The Witness.—Yes, sir.

Q. You were not subpoenaed? A. No, sir.

Q. She sent for you, did she? A. No, sir.

Q. How did you know to come here—you saw her? A. I call on her every evening.

Q. Every evening? A. Yes, sir.

Q. You called on her last evening? A. Yes, sir.

Q. Didn't she send for you? A. No, sir.

Q. This morning? A. No, sir.

Q. She made an appointment with you this morning? A. No, sir.

Q. How did you come to come here? A. She told me she was subpoenaed, and asked me to come down to court with her.

Q. She made an appointment with you? A. There was no appointment; I told her I would be there and take her down.

Q. Where did you meet her? A. At the house 103 West Twenty-eighth street.

Q. That is a house of ill-fame? A. I don't know.

Q. What sort of a house is it? A. A boarding-house.

Q. Do you know that? A. I believe so; I don't know positive.

Q. How do you know this is a boarding-house? A. I don't know it positively.

Q. What makes you say it? A. From what I hear.

Q. Who told you? A. Nobody.

Q. How do you say it is a boarding-house? A. They have boarders there, I believe.

Q. What knowledge have you on the subject? A. No knowledge whatever.

Q. Why do you say you believe it is a boarding-houses? A. I believe it is a boarding-house.

Q. Do you know of any boarders there? A. No, sir.

Q. What takes you there? A. To see Miss Clinton there.

Q. Is she a boarder there? A. No, sir.

Q. Do you know any boarders? A. No.

Q. Don't you know that is a house of prostitution? A. I don't know anything about it, sir; I don't know.

Q. What is your business? A. Wholesale liquors.

Q. What is your real name? A. That is my real name.

Q. Do you ever go under any other name? A. No, sir.

Q. Do you sell liquors in that house? A. Yes, sir.

Q. What? A. No, sir; I don't sell liquors in that house.

Q. How long have you been going there? A. About one year; I don't know exactly.

Q. You say you are in the wholesale liquor business? A. Yes, sir.

Q. On your own account? A. No, sir; there is my card.

Q. Give us your card; you are in the business then with J. Gottschalk, 396 Greenwich street? A. Yes, sir.

Q. Did this young woman show you a subpoena last night? A. Yes, sir.

Q. Did you read it? A. No, sir.

Q. Did she tell you the subpoena was for her? A. No, sir.

Q. Did she tell you for whom the subpoena was? A. I just read the heading of it; what court it was in; that is all.

Q. Do you know who was subpoenaed? A. No; I don't know.

Q. What made you come down with her if you did not know she was subpoenaed? A. I seen it, "the housekeeper" on the head of the subpoena; that is all about I read, sir.

Q. Housekeeper for whom? A. Mrs. Shaw, I believe.

Q. Mrs. Shaw is the keeper of the house, isn't she? A. I don't know she is the keeper.

By Chairman Lexow:

Q. You have been going there for a year, and you don't know the proprietor's name? A. I say, Mrs. Shaw.

By Mr. Goff:

Q. She is the keeper of the house? A. I do not know whether she is the keeper or not.

Q. She is the madam? A. I don't know anything about the madam, either.

Q. What is she, anyway? A. The proprietor that rents the house, I believe.

Q. And you mean to say here on your oath, you do not know what that house is? A. Yes; I don't know anything about the house.

Q. You are a whiskey seller? A. Yes, sir.

Q. You don't know what that house is? A. No, sir.

Q. You have been visiting this girl every evening for a year? A. Not every evening, only nearly every evening.

Q. And you don't know what that house is? A. No, sir; I don't know anything about the house; I never made it my business to find out.

By Chairman Lexow:

Q. Is it a private residence? A. Yes, sir.

Q. And do you mean to say that this witness here is the housekeeper in that private residence? A. I don't know; she is employed there.

Q. As what? A. As servant or housekeeper; I don't know the capacity.

Q. Don't you know the capacity of the witness here? A. No, sir.

Q. And you have been visiting her a year? A. Yes, sir.

Q. How often? A. Very nearly every evening.

By Mr. Goff:

Q. Isn't it the truth this is your girl? A. My girl; I believe she is.

Q. Yes? A. My girl; yes, sir.

Q. Don't you think it would be nearer the truth for you to come out manfully and tell the fact that that is a house of ill-

fame? A. No, sir; I can not do anything of the kind; Because I don't know it.

Q. And are there any other boarders — female boarders — there? A. I don't know.

Q. Did you ever see any? A. No, sir; I never looked for them.

Q. That is the only girl you saw there? A. Yes, sir.

Q. Did you visit her in the basement? A. No, sir; upstairs.

Q. In her room? A. Yes, sir.

Q. Did you ever see any other gentlemen visiting other girls there? A. I don't know any other gentlemen.

Q. Did you ever see any men visiting women there? A. No, sir; I did not.

Q. Did you ever see any men there at all? A. I don't know if I did or not.

Q. What inspiration do you get from the ceiling? A. I don't know; no inspiration whatever, sir.

Q. Are you under the impression that the Senators here are believing you? A. I don't know whether they are or not.

Q. And you don't care? A. No; I don't say that, sir.

Q. Isn't it a fact you don't care? A. No, sir; I do not.

Q. You are trying to tell the truth, are you? A. I am trying to tell the truth, so far as near as I can.

Q. You are making an effort? A. Yes, sir.

Q. You think you are succeeding? A. I don't know.

By Chairman Lexow:

Q. Don't you know whether you are succeeding in telling the truth or not? A. I will tell the truth all I know, sir; I am answering the questions truthfully.

Q. You mean to say in a year, in visiting every day, you did not see a man go in or out? A. I go in and go out, and mind my business.

Q. You have not seen any man go in there? A. No, sir.

Q. Who opened the door for you? A. Miss Clinton.

Q. How did she know you were coming there? A. The colored girl would open the door, also.

Q. Do you mean to say she was a servant? A. She was employed there; I don't know whether she was a servant.

Q. Doing what work? A. General housework.

Q. Throughout the house? A. Yes.

Q. You knew that to be a fact? A. Yes, sir.

Q. What floor did you go to? A. The first floor.

Q. And there are rooms on the first floor? A. Yes, sir.

Q. That is the parlor floor? A. One flight up.

Q. In the rear or in the front? A. In the front.

Q. Large or small rooms? A. Small rooms.

Q. A hall room? A. It is a front room, facing the street.

Q. A front hall room? A. Yes, sir.

Q. One of a small hall room? A. Yes, sir; at the head of the staircase.

By Senator Bradley:

Q. Are you engaged to be married to her? A. No; I am liable to.

By a Reporter:

Q. Do you say yes? A. Yes; I said yes; that is right.

By Mr. Goff:

Q. Now, this young woman spoke to you about the subpoena, did she not, last night? A. She showed it to me; yes, sir.

Q. What hour did you visit her last night? A. About 10 o'clock; between 10 and 11, I guess; I don't know exactly; it is somewhere around that neighborhood.

Q. You knew it had reference to going before the Senate committee, didn't you? A. Yes, sir.

Q. And you told her that she had nothing to testify? A. I told her nothing at all, sir.

Q. You told her she knew nothing, except that was a boarding-house, didn't you? A. I did not broach the subject to tell her what to testify or what questions you would ask; or tell her nothing at all.

Q. You did not say a word to her about it? A. Not in regard to testifying; no, sir.

Q. You simply saw the subpoena, and she requested you to meet her this morning, or to call for her? A. To call for her, and I brought her down here.

Q. What are you selling on, commission or under salary? A. Salary and commission.

Q. The time you are using here this morning, is it your own time or your employer's time? A. My own time, all the time, sir.

Q. Your own time all the time? A. Yes, sir.

Q. Do you consider accompanying this young woman in court this morning is in the pursuit of your trade and occupation? A. No, sir.

Q. What is it for? A. To bring her down.

Q. Couldn't she come herself? A. She didn't know where the court was; she asked me to bring her down, and I did so.

Q. She could have inquired; she is an intelligent young woman?
A. Yes.

Q. And there are policemen in New York to show her the court-room? A. Yes, sir.

Q. You considered your guardianship necessary this morning?
A. No, sir; I did not consider it necessary.

Q. You sat near her in court? A. Yes.

Q. You conversed with her? A. Yes.

Q. About what? A. Nothing pertaining to these proceedings.

Q. What did you converse with her about? A. I don't remember what I conversed with her about.

Q. What did you say to her while that woman was on the stand? A. I was sitting alongside of her.

Q. Weren't you sitting alongside of her, when you were told to go away? A. Yes, sir.

Q. When the woman on the stand, Mrs. Morton, was testifying this morning, you were told to go away from beside this young woman? A. Yes.

Q. You were talking to her then? A. No, sir; I was reading the paper.

Q. You mean to say that if you were reading the paper and not talking to this woman, that anyone would have interfered with you, and told you to go away? A. I spoke to the lady before the court opened.

Q. I am not talking about when the court opened; I am talking when Mrs. Morton testified? A. Yes; I was not speaking to the lady.

Q. You are telling the truth now? A. Yes; I am telling the truth.

Q. You are pretty well satisfied with the way you are swearing now? A. I am sworn; I am telling the truth.

Q. You are feeling pretty well satisfied with yourself? A. I don't know what you mean by that.

Q. Are you satisfied with yourself now? A. With regard to what?

Q. Anything. A. I am satisfied with myself at all times.

Q. Did you ever sell whisky or liquor for any man to this house, or wine? A. No, sir.

Q. Or to any houses of a similar character? A. No, sir.

Q. No boarding-houses? A. No, sir; I cater entirely for the retail saloon trade.

Q. Didn't this young woman tell you last night Mrs. Shaw was not at home? A. I have not seen Mrs. Shaw for some time.

Q. Did I ask you that question, sir; when you had seen Mrs. Shaw? A. No.

Q. Why did you answer me? A. That is the question you asked me.

Q. I did not ask you that question; look at me; don't twirl your eyes around; didn't this young woman tell you last night Mrs. Shaw was not at home? A. She did not.

Q. Didn't say a word about Mrs. Shaw? A. No, sir.

Q. Her name was not mentioned? A. No, sir.

Q. Why did you tell this young woman to come down, since her name was not mentioned? A. The name of the housekeeper was down there.

Q. What name? A. That is all; "housekeeper," on the subpoena.

By Chairman Lexow:

Q. You say she was a domestic servant, and not a housekeeper; why, then, did you advise her, under the general term "housekeeper," to come down here? A. I did not advise her at all.

By Mr. Goff:

Q. Did she ask you what to do; you are her friend? A. I am her friend.

Q. Didn't she consult you and ask your advice? A. No, sir; I am not capable of giving anybody any advice in regard to matters of this kind.

Q. Regarding matters of what kind? A. In investigating, or court at all; I am not in the law business; I can not advise anybody in regard to matters of this kind.

Q. You were quite willing to come down and aid with your presence? A. Yes, sir.

Q. You have never been here before? A. No, sir.

Q. I think it would be a reasonable thing for you to do to never come here again; I am through with you? A. All right, sir.

Chairman Lexow.—Any question, judge?

Mr. Ransom.—Oh, no.

Chairman Lexow.—That is all.

Ada Clinton, again called to the stand, testified as follows:

Direct examination by Mr. Goff:

Q. Mrs. Clinton is your name? A. Yes, sir.

Q. And this person, who was on the witness chair that you now occupy, is your friend? A. He is; yes, sir.

Q. I want to deal fairly with you; simply ask you if that house that you are in is not a house of ill-fame? A. No, sir.

Q. It is not? A. It is a boarding-house.

Q. A boarding-house; who told you to say that? A. No one told me to say that.

Q. And it has always been called a boarding-house? A. Yes, sir.

Q. And men board there, and women board there? A. Yes, sir.

Q. Men and women? A. Yes, sir.

Q. And you are what in that house? A. I am the housekeeper.

Q. You are the housekeeper? A. Yes, sir.

Q. And you are paid a monthly salary? A. I am.

Q. How much? A. I am paid \$20 a week.

Q. Just raise your voice; \$20 a week, and your board? A. Yes.

Q. That is \$80 a month? A. Yes, sir.

Q. What are your duties? A. To look after the house; look after the servants in the house.

Q. How many servants are there in the house? A. Four.

Q. Do you keep accounts? A. Well, no I do not.

Q. What is it; you see the girls do their work? A. See they do their work, and look after the catering of the house,

Q. And purchase groceries? A. Yes, sir.

Q. And other meats? A. Yes, sir.

Q. And soda water? A. No, sir.

Q. And milk? A. Yes, sir.

Q. And champagne? A. No, sir.

Q. Don't buy any liquors? A. No, sir.

Q. Weiss beer? A. No, sir.

Q. Or sarsaparilla? A. No, sir.

Q. Not even cream soda from the drug store? A. No, sir; I never drink it.

Q. I did not ask you what you drank.

By Chairman Lexow:

Q. Whether that was bought as part of the necessities of the house; didn't you buy wine? A. No, sir.

Q. Liquors? A. No, sir.

Q. None used in the house? A. No, sir.

Q. None at all? A. No, sir.

By Mr. Goff:

Q. Let us see; what is the name of your mistress? A. Mrs. Shaw.

Q. Shaw; what is her first name? A. Ada Shaw.

Q. What is the number of the house? A. No. 103 West Twenty-eighth street.

Q. West Twenty-eighth street; that is near Sixth avenue, isn't it? A. Yes, sir.

Q. What is Mr. Shaw's name? A. There is not any Mr. Shaw.

Q. Widow lady, is she? A. Yes, sir.

Q. Is she a widow? A. Yes.

Q. Did you know Mr. Shaw when he was living? A. Yes.

Q. How long is he dead? A. About 10 years.

Q. You have been housekeeper for her all that time? A. Oh, no; no, sir.

Q. Lived in the same house? A. No, sir.

Q. Then you have known Mrs. Ada Shaw before you have been housekeeper for her? A. For a great many years; yes, sir.

Q. Have you been housekeeper for other houses like Mrs. Shaw? A. No, sir; never.

Q. That is the first position of prominence you have occupied of that kind? A. Yes, sir.

Q. You don't even use bottled beer in that house at your meals? A. No, sir; never.

Q. Every one there is strictly temperate? A. Temperate.

Q. And there is no item of expense whatever for beer, or anything else for table use? A. No, sir.

Q. Do you know a gentleman of the name of Greece—Henry Greece? A. I don't.

Q. You don't? A. No, sir.

Q. How many male boarders are there in that house? A. At present there are three.

Q. What are their names? A. Mr. Whitney—I think one is a Mr. Whitney, and a Mr. Carr.

Mr. Ransom.—What is the first name of Mr. Whitney?

By Mr. Goff:

Q. What is Whitney's first name? A. Albert.

Q. What is Carr's first name? A. Well, I don't know.

Q. What is the name of the other? A. Mr. Jacobs.

Q. What is his first name? A. I couldn't tell you.

Q. Do you know the business that those gentlemen are engaged in? A. I do not.

Q. They slept in the house over night? A. Yes, sir.

Q. All bachelors? A. No; there is one of them that is married.

Q. Which of them is married? A. Mr. Whitney.

Q. And his wife is in that house? A. Yes, sir.

Q. They occupy a room together, of course? A. Yes, sir.

- Q. What is her name? A. Who?
- Q. Mr. Whitney's wife? A. Mrs. Whitney.
- Q. Has she got any other name? A. I don't know.
- Q. What is her first name? A. I could not tell you.
- Q. Well, now, will you give us the names of the young ladies who board in that house? A. There are two ladies; one is a teacher, and the other is a manicure.
- Q. One is the teacher and the other is a manicure; what is the teacher's name? A. The teacher's name is Washington.
- Q. Is that the first or second name? A. Mrs. Washington.
- Q. She is a Mrs. Washington? A. Yes, sir.
- Q. What is the manicure's name? A. Mrs. Wolf.
- Q. Married ladies? A. Yes, sir; supposed to be.
- Q. Have you given me all the names of the persons in the house? A. Yes.
- Q. Six persons, three men and three women? A. Yes.
- Q. And yourself? A. Yes.
- Q. That is seven persons? A. Yes.
- Q. How many servants have you? A. Four.
- Q. It takes four servants and a housekeeper to attend to a house where there is six boarders? A. Yes, sir.
- Q. Is there a servant for every boarder? A. Oh, no.
- Q. Do you know what the obligations of an oath are? A. Yes, sir.
- Q. Well, suppose you take a false oath, what is it? A. I suppose it is perjury.
- Q. Perjury, yes; what is the consequence, if you should commit perjury here? A. I don't know.
- Q. Don't you know? A. No, sir; I don't know.
- Q. Do you think you would get a medal for the commission of perjury? A. I have never given the matter a thought.
- Q. I don't suppose you have given it any thought whatever; now, I ask you for your understanding now; do you think a person, either man or woman, can come into court and take a false oath and get off; do you think that? A. I don't know anything about that.
- Q. Do you think you can come here and, in a very attractive manner, give false testimony without being punished for it? A. I don't know that I have given false testimony.
- Q. Do you think you can come—

By Chairman Lexow:

- Q. Counsel does not say you have, but asked you if you think you can give false testimony without being punished for it? A. I suppose I would be punished for it.

Q. You know the penalty is a very severe one for perjury?
A. Yes, sir.

Q. To any one who, knowingly and willfully, swears falsely?
A. Yes, sir.

By Mr. Goff:

Q. Have you any religious belief at all? A. Very little.

Q. What little you have, do you think it would entail any suffering upon you — any punishment — for the commission of perjury here, from a religious point of view? A. I do not consider I perjured myself.

Q. Do you think, from a religious standpoint, you would suffer any penalty in the hereafter for the commission of perjury? A. I suppose I would, if I committed it.

Q. You don't believe in a hereafter? A. No, sir; I believe in doing as near right as possible while we are living; that ends it.

Q. You try to do right? A. I do.

Q. And you think that the testimony you have been giving here is as near right as possible? A. Yes, sir.

Q. And that is your idea of how you ought to act in this life?
A. I suppose.

Q. You know it? A. Yes; I know it.

Q. How long have you been in that house? A. A year.

Q. We will see; a year; where were you before that? A. I lived in Boston.

Q. Housekeeper there? A. No, sir.

Q. Where did you know Mrs. Shaw's husband? A. Oh, it is quite a good many years ago.

Q. Where was it? A. In California.

Q. Was you housekeeper there? A. No, sir.

Q. What business were you in in Boston? A. I was not in any business.

Q. Living on an income? A. Yes, sir.

Q. And an earning increment? A. I was living respectable; and no one could say aye, yes, or no to me.

Q. You were a kept mistress, weren't you? A. I was not.

Q. Were you ever married? A. I was.

Q. Where is your husband? A. My husband is dead.

Q. When did he die? A. Several years ago.

Q. Seven years ago; what were you living with a gentleman in Boston for? A. I was not living with a gentleman in Boston.

Q. What were you living on? A. I had my own income that my husband left me.

Q. Where is the income; where is the property? A. Well, it was not property.

- Q. What was it? A. It was bonds.
 Q. Bonds of what? A. United States bonds.
 Q. Where were they deposited? A. They were deposited in the Norfolk Bank.
 Q. Where? A. In Boston, in Tremont street.
 Q. How many United States bonds? A. There were four.
 Q. To what amount? A. Oh, I think they were about \$1,500 apiece.
 Q. That is \$6,000 altogether; have you been living on that ever since? A. No, sir.

By Chairman Lexow:

- Q. You mean to say there were four bonds of \$1,500 each? A. Yes, sir.
 Q. Are you positive about that? A. Yes, sir.
 Q. Did you see the bonds yourself? A. No; they were left there for me; I never handled them.
 Q. How did you get the income from them? A. They were paid to me through a certain party,

By Mr. Goff:

- Q. What became of the bonds? A. They were sold.
 Q. Who sold them? A. I sold them.
 Q. To whom? A. To an old friend of mine.
 Q. Who was the old friend? A. A woman of the name of Mrs. Snow.
 Q. Mrs. Sloan? A. Mrs. Snow.
 Q. She kept another boarding-house, didn't she? A. Yes.

By Senator O'Connor:

- Q. Don't you know there is no such denomination as a \$1,500 bond issued by the government? A. That is what they told me.

By Chairman Lexow:

- Q. You never saw the bonds yourself? A. I never saw them; no, sir.
 Q. Were they registered bonds, or coupon bonds? A. I never had the handling of them.
 Q. Did you ever cut anything from the bonds? A. I did once; I got a little coupon that was cut off.
 Q. One? A. Yes.
 Q. One altogether? A. Yes.
 Q. Only one coupon? A. Yes.

Q. How much did that coupon read for? A. It read for something like \$100.

Q. Are you sure it was \$100? A. I don't remember anything about it; it was too long ago.

Q. You went there to that deposit company and cut off one coupon, and took that one coupon, and got money for it? A. Yes.

Q. You are positive about that? A. Yes.

By Mr. Goff:

Q. Did you sell all the bonds? A. Yes, sir.

Q. Is Clinton your widow's name, or new name, which? A. No; that is my name.

Q. That is your own name? A. Yes.

Q. Your name before you were married? A. No, sir.

Q. Your widowhood name; is that it? A. Yes, sir.

Q. Mrs. Clinton? A. Yes.

Q. Where is that bank situated in Boston, do you remember; that Norfolk Bank? A. On Tremont street.

Mr. Ransom.—She has been in Boston; that is the pronunciation that goes in that city.

Q. Where did you live, by the way, in Boston? A. I lived on Chandler street.

Q. China street? A. Chandler street.

Q. Was that at the south end? A. I don't know what end you would call it.

Q. How long did you live in Boston? A. I lived there about three years.

Q. Where did your husband die? A. My husband died in San Francisco.

Q. You left San Francisco and went to Boston to get those bonds; is that it? A. No, sir.

Q. Chandler street, in Boston, is in the Tenderloin of Boston? A. No, sir; not that I know of.

Q. Do you know anything about the Tenderloin of New York? A. No, sir.

Q. Never heard of it? A. I have heard of it through the papers.

Q. You know what kind of a place the Tenderloin is? A. Only from what I read in the papers.

Q. Your friend, the wholesale whisky seller, never told you, did he? A. No, sir.

Q. When did Mrs. Shaw leave town? A. She left town about four months ago.

Q. About four months ago? A. Yes, sir.

Q. And you have been running the house ever since? A. Yes, sir.

Q. How many boarders have you had ever since Mrs. Shaw left town? A. Only three.

Q. Only three? A. Yes, sir.

Q. And you kept the boarding-house open for three boarders? A. Yes, sir.

Q. Now, how much do the boarders pay a week? A. Ten dollars.

Q. Ten dollars a week? A. Yes, sir.

Q. The men and women as well? A. Yes, sir.

Q. And your income has been \$30 a week? A. Yes, sir.

Q. Speak out; and on \$30 a week you have maintained a house and maintained four servants, and yourself? A. Yes.

Q. And you got \$20? A. Yes, sir.

Q. Out of the \$30? A. Yes.

Q. How much did the four cost; what are their wages? A. Three dollars.

Q. A night? A. Three dollars a week.

Q. Each one? A. Yes, sir.

Q. That is three a week and their board? A. Yes, sir.

Q. Now, we have four servants at \$3 a week, that is \$12, and you got \$20 as housekeeper, that is \$32 a week, isn't it? A. Yes.

Q. And your income is \$30? A. Yes, sir.

Q. How do you get food to eat? A. Yes; but the men that live in the house they pay me for their room.

Q. They pay \$10 a week, you say? A. Yes; but I had three men, and one of them has got his wife there; there is four, and then I have a Mrs. Washington there, and Mrs. Wolff.

Q. Mrs. Wolff? A. That is six.

Q. You did not mention Mrs. Wolff, did you? A. Yes.

Chairman Lexow.—Three men and three women.

By Mr. Goff:

Q. Do they all pay \$10 a week? A. Yes, sir.

Q. That is \$60 a week; that is the full extent of your income? A. Yes, sir.

Q. And out of that you pay \$32 a week for services? A. Yes, sir.

Q. And the balance for food and trading, etc. (The witness nods in an affirmative manner.)

Q. So, every week, you have \$18 balance over and above the money you actually pay for servants? A. Yes, sir.

Q. Do you mean to say that house of six persons, four servants and a housekeeper, that is 11 persons, can be main-

tained on \$18 a week? A. I formerly had more people there, but everybody has gone away for the summer.

Q. You had them there? A. Yes; but they have all gone away.

Q. They have gone away for the summer since the committee has come to town; isn't that a fact? A. Not as I know of.

Q. Have you heard this committee spoken of? A. Yes, sir.

Q. In the house? A. Not in the house, particularly.

Q. In the house, generally? A. I have heard it once in a while.

Q. Has Mrs. Shaw spoken of the committee? A. No; Mrs. Shaw has not been home.

Q. Where has Mrs. Shaw gone? A. Gone to Europe.

Q. When did she sail? A. Sailed about four months ago.

Q. What ship did she sail on? A. I think it was the Lucania.

Q. The Lucania? A. Yes.

Q. Upon the Cunard line, wasn't it? A. I think that is it.

Q. You went with her to the ship and saw her off? A. Yes.

Q. It was the Cunard line? A. I think so.

Q. Was it on Saturday? A. Yes, sir.

Q. How many weeks ago was it? A. I could not tell you.

Q. How many weeks ago? A. I could not tell you.

Q. Two weeks? A. I couldn't tell you.

Q. Three weeks? A. I don't know.

Q. Fifty-two weeks? A. I don't know.

Q. You can not tell anything about it, whether she went away a hundred weeks ago, or one week ago? A. I know it was about four months ago.

Q. I want to know the weeks; will you swear she did not go away within two weeks? A. No, sir.

Q. Will you swear she has not been in New York within two weeks? A. She has not.

Q. Within three weeks? A. No, sir.

Q. Within four weeks? A. No, sir.

Q. Within five? A. No.

Q. Are you sure, now? A. Yes.

Q. Within six weeks? A. Within four months.

Q. Never mind the parrot cry of four months. A. I don't remember the weeks.

Q. Have you seen her? A. No, sir.

Q. Within the past month? A. No, sir.

Q. Have you heard from her? A. No, sir.

Q. You don't know where she is? A. I never heard a word from her.

Q. You say she is gone four months, this woman that employs

you as housekeeper, and you have not heard from her in four months? A. No, sir.

Q. You have not written to her? A. No, sir.

Q. Have not received any messages from her? A. No, sir.

Q. Nor sent any messages to her? A. No, sir.

Q. Do you know does she own the house she lives in? A. No, sir.

Q. Does she rent the house? A. I could not swear to it.

Q. Don't you know that the rent has been paid since she has been away? A. Not that I know of.

Q. The rent has not been paid? A. Not that I know of, because she has, I suppose, the lawyers.

Q. Who are the lawyers? A. Harn & Meyer.

Q. Where is their office? A. Two hundred and thirty-seven Broadway.

Q. Have you been to their offices lately? A. Yes.

Q. Have you received any advice from them lately? A. No, sir.

Q. Do you know anything about the rent of the house? A. No, sir.

Q. Do you know how much the rent is? A. No, sir.

Q. Do you know who the agent is that collects the rent? A. No, sir.

Q. Do you know how long the house is leased for? A. No, sir; she don't tell me any of her private business.

Q. What? A. No, sir; she don't tell me any of her private business.

By Senator Bradley:

Q. Didn't she give you some instruction when she was going away how to run the house? A. I was there before she went away.

Q. She did not give you any instructions; just put on her hat and went away? A. I have been there for a long time.

Q. You are taking her place? A. Yes, sir.

Q. You believe that the people will believe what you are saying? A. I don't know.

By Chairman Lexow:

Q. Didn't she leave any instructions what you were to do? A. I was there about six months before she went away.

Q. Did she say how long she was going to stay away? A. No, sir.

Q. And went away with an indefinite leave of absence, without

giving you instructions, without telling you anything about it; is that a fact? A. Yes, sir.

By Senator Bradley:

Q. Do you know anybody that went with her on the steamer?

A. No, sir; I do not.

Chairman Lexow.—Do you wish to continue, Mr. Goff?

Mr. Goff.—Excuse me one moment.

By Senator Bradley:

Q. Don't you keep books—keep an account? A. No, sir; I do not.

Q. Just receive the money and pay it out? A. Pay it out.

By Chairman Lexow:

Q. In cash? A. Yes, sir.

By Mr. Goff:

Q. Did you ever hear of Dr. Parkhurst? A. I have heard of him; yes, sir.

Q. Where did you hear of the reverend doctor? A. I have heard of him in the papers.

Q. In the papers; you don't recollect of anything except what you heard in the papers? A. No, sir.

Q. You never heard Mrs. Shaw talk about it? A. No, sir.

Q. Did you ever hear there was police in New York? A. I suppose there are.

Q. Did you ever hear of it? A. Yes; I heard of it.

Q. Heard of it in the papers, too? A. Yes, sir.

Q. You never knew, of your own knowledge, that there was such men around as police officers? A. I have never seen any.

By Senator Bradley:

Q. Never seen the policemen? A. I have seen policemen on the street, that is all.

By Chairman Lexow:

Q. Never seen any in the house? A. No, sir.

Q. Do you know that there is a product of modern civilization known as wardmen in the city? A. I do not.

Q. Never seen a wardman? A. No, sir.

Q. Never been in the house? A. No, sir.

Q. Did you keep the accounts in your mind? A. I did.

By Senator Bradley:

Q. You told me you did not keep any account? A. I did not keep any books.

Q. Did you keep any written accounts? A. No, sir.

By Chairman Lexow:

Q. Do you mean to say Mrs. Shaw intrusted you with all the money that came in without asking of you any statement or account of the money or how you expended it? A. Yes.

Q. How would you strike your balances? A. I never made up any account; I never had any balance.

Q. You paid out what money you had to pay out and turned over the balance to her? A. Yes.

Q. How often would you do that? A. I have not done it for four months.

Q. Previous to that time, how often would you make these balances — turn over the balance you had? A. There never was much to turn over.

Q. There never was? A. I have not seen it.

Q. During the time you were there, during that year, do you mean to say there was not much to hand over? A. There was very little to hand over.

Q. Did you receive all the receipts of that house? A. Yes.

Q. Every dollar that was earned in that house you received, and it went through your hands? A. Yes.

Q. And all you received was \$60 a week? A. Yes, sir.

Q. From the time you started there until now? A. In that house; yes.

Q. Or from any other source? A. There was some other income coming in from other sources to her.

Q. To her? A. Yes.

Q. You mean she has a fixed income besides? A. She has got a little income; yes.

Q. From investments, you mean? A. Yes.

Q. So far as your duties are concerned, all the moneys you received from the time you went there until now has been \$60 a week; is that true? A. From the house; yes.

Q. Or from any other source? A. No; I have received incomes from other sources; money coming to her.

Q. Do you know where that money came from? A. Yes; from property.

Q. Have you received her money that came from other property? A. Yes; I have.

Q. Then, you were general cashier? A. Yes, sir.

Q. And how often did you make settlements with her? A. Well, I very seldom made a settlement; if I had money I put it in the bank.

Q. Was the money you received always in cash? A. Yes, sir.

Q. Ever checks? A. Sometimes.

Q. Did she have a bank account? A. Yes, sir; she did.

Q. You didn't have a bank account? A. No, sir.

Q. You turned over checks and things of that sort to her, didn't you? A. No; I put them in a bank.

Q. Were the checks larger than the cash receipts? A. I never got any checks where I live.

Q. You stated that you received sometimes checks, and sometimes cash? A. Yes, sir; from the outside property.

Q. What is the largest amount you ever turned over to her on one of these settlements? A. From the house, you mean?

Q. Yes; from the house? A. I could not tell you, because I kept for the bills right straight along.

Q. Do you remember any one time when you paid any larger amount of money over to her, at a settlement between you and her? A. No, sir.

Q. Never? A. Not to my knowledge.

Q. What was the largest payment you remember having made to her as a settlement? A. I could not tell you.

Q. As much as \$100? A. Well, not from the house.

Senator Bradley.—He is not asking you from the house.

By Chairman Lexow:

Q. Any money? A. All outside; yes; I have turned in.

By Senator Bradley:

Q. You never got a receipt for money you received? A. No.

By Chairman Lexow:

Q. You never took a receipt from her? A. She never gave me one.

By Mr. Goff:

Q. Was Mrs. Shaw ever raided? A. Yes, sir.

Q. Yes? A. Yes, sir.

By Chairman Lexow:

Q. There was a policeman, then, wasn't there, in the house?
A. There was one came in and took me.

Q. He arrested you? A. Yes, sir.

Q. What did you mean, then, a few moments ago, in saying you never saw a policeman in that house? A. I forgot about it; pardon me.

Q. Was your arrest a matter of such insignificance that you could forget about it? A. I did not happen to think of it.

By Mr. Goff:

Q. Were you arrested then? A. I was; yes, sir.

Q. And taken to the police station? A. I was.

Q. To the police station; what one? A. I was taken to the Thirtieth Street station.

Q. What captain? A. Captain Schmittberger, I believe.

Q. How long ago was that? A. That was about three months ago.

Q. Were you kept in the station all night? A. No, sir.

Q. Bailed out? A. I was.

Q. Who bailed you out? A. Well, I don't care to mention the party's name.

Q. Oh, yes; you will tell the party's name; you will care to tell us; and don't look down at your friend there; look at the Senators or look at me. A. I am not looking at him.

Q. Who was the friend that bailed you out? A. It was not a friend of mine; it was a business man.

Senator O'Connor.—If you were coming of a respectable business there was nothing out of the way for a man to bail you out; what is the difficulty in telling his name?

By Mr. Goff:

Q. Who bailed you out? A. Nathan Lewis.

Q. What is he? A. A lawyer.

Q. Where is his office? A. I think the number—I am not positive.

Q. Where? A. I think it is on Broadway; 50 Broadway, I think.

Q. Who bailed the manœuvre out? A. The manœuvre; well, there was no manœuvre in.

Q. And there wasn't a manœuvre in the house when the raid was made? A. Yes, sir.

Q. Was she arrested? A. No, sir.

Q. Was there anybody arrested but yourself? A. I was the only one.

Q. Where was Mrs. Shaw? A. Mrs. Shaw was not in the city.

Q. Was there anyone else in the house at the time you were arrested? A. Mrs. Whitney was there, and her husband.

Q. Who else? A. That is all; they were all out.

Q. Didn't you know that you were going to be arrested? A. No, sir; I did not.

Q. Did you get a tip? A. No, sir; I did not.

Q. What officer arrested you?

Senator O'Connor.—What was she raided for, if it was a respectable house?

By Mr. Goff:

Q. What officer arrested you? A. His name is Cash.

Q. The wardman? A. I believe so; I don't know.

Q. How did he get in? A. He rang the bell, and all he said, "I have an order here for your arrest;" I said, "For what;" he said, "You are supposed to be keeping a place that is not all night, and you must come down with me to the station-house;" I said, "Certainly, I will go."

Q. Where did you meet Mr. Lewis? A. When I got over there he told me that I would have to be bailed out, so I sent word to his house, where he lived.

Q. Who did you send word by? A. A messenger.

Q. What messenger? A. A messenger that was rung up there.

Q. How much did you pay for the messenger? A. Twenty-five cents.

Q. Twenty-five cents? A. I think so.

Q. Was it a messenger boy? A. Yes, sir; I think it was.

Q. Were you taken to court the next morning? A. Yes, sir.

Q. What was done with you in court? A. I was discharged.

Q. What judge discharged you; Jefferson Market Court, wasn't it? A. Yes, sir.

Q. What judge was it? A. I don't know his name.

Q. You don't know his name; had you a lawyer? A. Yes, sir.

Q. Who appeared for you—Mr. Lewis? A. No, sir.

Q. Who was the lawyer who appeared for you? A. Mr. McClennan.

Q. Do you know him? A. Yes, sir.

Q. And you employed him there in court? A. No, sir.

Q. Did a policeman tell you to employ him? A. No, sir.

Q. You had trouble with your neighbors there a little while ago, did you not? A. Not that I know of; no, sir.

Q. When you sent for Mr. Lewis, the lawyer, to bail you out, and then employed Mr. McClennan, another lawyer, to defend you, why didn't you go down to Mrs. McCarthy's lawyer? A. I didn't know Mrs. McCarthy's lawyer.

Q. You could use their name, Mrs. Shaw's lawyers, I mean? A. I did not think it was any necessity.

Q. You didn't think it was any necessity; did you say you never had any trouble with your neighbors there? A. No, sir.

Q. Don't you remember a little trouble about some electric lights outside of your house? A. Not that I know of; there were some people put electric lights up there and after awhile they removed them; that is all I know about it.

Q. Who were the people that put up the electric lights? A. I could not tell you.

Q. What side of the street were they? A. On the side I lived on.

Q. And the electric lights were disagreeable to Mrs. Shaw, weren't they? A. Not that I know of.

Q. You recollect complaints made about it? A. That I do not know.

Q. Did you ever hear about trouble? A. No, sir.

Q. Did the policeman call at the house about the electric lights? A. Not that I know of.

Q. Don't you know there was trouble made by Mrs. Shaw because those electric lights prevented people going to the house? A. Not that I know of.

Q. Do you know why the lights were removed? A. I don't know; I think they were removed because the parties that owned the hotels moved away.

Q. Were you ever raided more than once? A. Oh, no; I never was; not while I had been there.

Q. Why did you hesitate that time; why did you hesitate in answering me? A. I can hesitate in everything.

Q. Why did you hesitate when you were asked if you were raided more than once? A. I don't know.

Q. Was the house ever raided more than once? A. Not that I know of.

Q. Did you ever hear of it? A. No, sir.

Q. Now, did you ever make a complaint against this police officer for arresting you; a decent, respectable housekeeper? A. No, sir.

Q. You thought it was a great outrage, didn't you? A. I did.

Q. And you said so in the station-house, didn't you? A. No; I didn't make any remark at all.

Q. You didn't make a complaint; you a decent, respectable housekeeper, earning \$20 a week, hard money earned? A. I am.

Q. And you never made a complaint about it? A. No, sir.

Q. To this day you never raised your voice? A. No, sir.

Q. Never went to the captain to complain? A. I didn't.

Q. And you didn't complain in Jefferson Market Police Court against the outrage; do you understand? A. Yes, sir.

Q. You considered that an outrage, didn't you? A. I did; but what was the use?

Q. Didn't you think it was a great wrong for that police officer to arrest you without any cause? A. No.

By Chairman Lexow:

Q. Who made the complaint? A. They came — this Mr. Cash; he came in and I was out and someone came to the door and he wanted to see somebody and she mistook the name he asked for and she went upstairs to call Mrs. Whitney downstairs.

Q. I am asking you now who made the complaint against you? A. This Cash; this officer man, himself; I never saw him until that time.

Q. You say the officer of the name of Cash made the complaint that you were keeping a disorderly house? A. Yes, sir.

Q. What did he base that complaint on? A. That he came there and the servant answered the bell; he asked to see the lady by some name; I don't remember the name; and this servant went upstairs to call Mrs. Whitney downstairs.

By Mr. Goff:

Q. Is that your whole explanation? A. That is the only explanation.

Q. By the way, did you ever have a colored woman in your house, the servant? A. We have a good one now.

Q. What is her name? A. Mary.

Q. What is her second name? A. I don't know.

Q. Did you ever have one before that? A. Yes, sir.

Q. What is her name? A. That is, I have had colored help.

Q. Did you ever have a colored woman there by the name of Anderson? A. Not that I know of.

Q. Did you ever have a colored woman there called Emma? A. Not that I remember.

Q. You know you are a housekeeper? A. I do not remember any colored girl of the name of Emma.

Q. You have given the Senators the whole reason the officer gave for arresting you? A. Yes, sir.

By Chairman Lexow:

Q. You felt greatly humiliated after being arrested? A. Yes, sir.

Q. Did Mrs. Whitney go downstairs? A. She went downstairs in the parlor to see this man; and she came up, and said, "I don't know this gentleman," and she went upstairs.

Q. Were you there? A. No, sir; I was not there.

Q. How do you know she said that? A. The girl told me.

By Mr. Goff:

Q. Now, do you remember what the officer swore to in court the next morning? A. I do not know what he did swear to.

Q. And you didn't care much? A. No, sir; I don't remember.

Q. Your feelings were terribly hurt and injured by being arrested and taken to the station-house at a late hour at night, wasn't it? A. No; it was about 7 o'clock in the evening.

Q. You felt that was a great wrong? A. I did.

Q. You feel it now? A. I do.

Q. And feeling that was a great wrong, you are ready to make a charge against that officer before the commissioners, aren't you, for your false arrest; you, a decent woman, are you not? A. I am.

Mr. Goff.—All right. Mr. Jerome, you take her up to police headquarters. I beg your pardon—as soon as you get through.

Mr. Ransom.—I won't detain her a moment. Is Mr. Jerome going to take her in charge?

Senator Bradley.—She will have to do it now. She will have to make a charge.

By Mr. Goff:

Q. Of course, you will come back here, madam? A. Yes, sir. Chairman Lexow.—That is all.

Mr. Goff.—Just step with this gentleman up to police headquarters (speaking to Mr. Schloss). There is no necessity. You remain here, please.

Martin Dowling, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

(Senator O'Connor takes the chair.)

Q. You are in the liquor business? A. Yes, sir.

Q. And your place is where? A. Corner of Twenty-eighth street and Sixth avenue.

Q. Do you know anything about the house No. 103 West Twenty-eighth street? A. I know the reputation of the house; that is all.

Q. I do not ask you of your personal knowledge, with the interior of the house, Mr. Dowling; but do you know the reputation of the house in the neighborhood? A. Yes, sir.

Q. What is the reputation of that house? A. The reputation is that it is a fast house.

Q. Is it a house of prostitution? A. Yes, sir.

Q. Did you ever see that woman who has just left the witness chair, Mr. Dowling? A. Yes, sir.

Q. Do you know her? A. No, sir.

Q. But you have seen her around there? A. Yes, sir.

Q. Can you state if you know anything as to her reputation? A. I can not, indeed.

Q. But you have seen her backward and forward? A. Yes, sir.

Q. Did you ever see Mrs. Shaw? A. Yes, sir.

Q. How long ago is it since you have seen her? A. I could not rightly tell you how long it is.

Q. About as near as you can possibly recollect? A. It might be four or five weeks, but I can not swear about that time; she used to drive in and out and drive over on the other corner.

Q. And she drives in her carriage? A. Yes, sir.

Q. And she is the reputed madam of the house? A. Yes, sir.

Q. You remember some trouble in that neighborhood about the electric lights a little while ago? A. I know they were up on the other side from me, that the electric lights were up; the house was run as a hotel on the other side, and it was closed up, and this man had the place closed, and he had three large electric lights on a string.

Q. Do you know of any complaint having been made about those electric lights? A. No, sir; I do not.

Q. You had nothing to do with that? A. No, sir; nothing.

Q. Well, did you ever hear anything said about Madam Shaw complaining to the police about the electric lights?

Mr. Ransom.—I object.

A. No, sir; I do not.

Mr. Ransom.—I do not have the opportunity to object.

Chairman Lexow.—If you want a question and answer struck out, Judge, you are entitled to have it.

Mr. Ransom.—Let it stay in.

Mr. Goff.—Any questions, Mr. Ransom?

Mr. Ransom.—No questions.

Mr. Goff.—That is all. I only wanted to establish that fact.

Chairman Lexow.—You may go, Mr. Dowling.

Mrs. J. Hahn, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

- Q. Is it Miss Hahn or Mrs. Hahn? A. It is Mrs. Hahn.
 Q. Have you a friend with you in court? A. No, sir.
 Q. You came alone? A. Yes, sir.
 Q. What is your occupation? A. I am a nurse.
 Q. Who did you nurse? A. I have nursed Mrs. Emma DeForest.
 Q. Are you a professional nurse? A. Yes, sir.
 Q. We will get at the matter briefly, Mrs. Hahn; Mrs. DeForest keeps a house of ill-fame? A. That I can not say.
 Q. But you know she is a madam? A. From what I have heard, she is a madam.
 Q. You have been in her house nursing her? A. I have been in her house nursing her.
 Q. She keeps a lot of girls? A. She did when I was there once before.

By Chairman Lexow:

- Q. How long ago was that? A. That was four years
 Q. That was in 1890? A. I don't remember; I guess it was.

By Mr. Goff:

- Q. Where do you reside now? A. I am residing at present there; I am staying there just at present.
 Q. At Mrs. DeForest's? A. Yes.
 Q. Are you nursing anybody now? A. Not now.
 Q. How long is it since you have done any nursing? A. Three weeks.
 Q. Who did you nurse last? A. Mrs. DeForest.
 Q. And when did she leave town? A. She left about three weeks ago.
 Q. On account of her health? A. Yes; on account of her health.
 Q. Where did she go? A. I think she went to Europe.
 Q. What steamer? A. I can not say.
 Q. You do not know what steamer she sailed by? A. No, sir.
 Q. What has become of the girls? A. That I do not know.
 Q. The house is there? A. Yes.
 Q. You are there? A. Yes; I am there.
 Q. Who are there? A. There are two people staying there.

Q. Who are the people? A. They are young ladies; that is, they are married women—I suppose they are.

Q. The house is running low now? A. Well, that I do not know anything about, the house running.

Q. Who attends to the house? A. I attend to the house now.

Q. I mean the business is running low? A. There is no business transacted there at all.

Q. Do you know where Mrs. DeForest is? A. In Europe.

Q. Have you heard from her? A. No, sir.

Q. Who furnishes the money to run the house now? A. Well, furnishes the money—there is no money needed—what I need to eat.

Q. Were you ever there when Mrs. DeForest was raided? A. No, sir.

Q. Was the house ever raided? A. Not as I know of.

Q. Don't you remember that Mrs. DeForest's health became seriously affected when the Senate committee commenced its session? A. I never heard of the Senate committee, only what I read in the papers.

Q. Didn't you hear the Senate committee spoken of in the house? A. No, sir.

Q. When did you first hear of the Senate committee? A. What I first read of in the papers.

Q. And you say Mrs. DeForest was never raided? A. Not as I know of, sir.

Q. You went down to court a little while ago, didn't you? A. No, sir.

Q. You knew she did go to court? A. No, sir.

Q. Heard nothing about it? A. No; this is the first time I was in court.

Q. Did you ever hear of Mrs. DeForest going down to Special Sessions a week or so ago? A. I know nothing about her affairs, excepting nursing her; she had to go to Europe for her health; I can refer you to her physician; and she asked me to stay there and mind the house until her return; I can leave to-morrow; I would not have to stay there.

Q. Do you know what part of Europe she has gone to? A. No, sir; I know nothing.

Q. When do you expect her back? A. I can not say; we have not heard from her yet.

Mr. Goff.—Well, that is all.

Chairman Lexow.—Any questions?

Mr. Ransom.—No questions.

Mr. Goff.—Now, we will have another housekeeper.

Chairman Lexow.—Mr. Goff, you did not get the location of that place at all.

Mr. Goff.—DeForest house. We have it, sir.

By Mr. Goff:

Q. Mrs. Hahn, what is the number of Mrs. DeForest's house?
A. One hundred and ten West Thirty-second street.

Louise Miller, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Mrs. Miller, you are a housekeeper? A. No; I am not.

Q. What position do you occupy? A. I help Mrs. Carrie at her work; Carrie Mack.

Q. You help her to do her work? A. Yes, sir.

Q. Where is Mrs. Carrie Mack's house? A. One hundred and thirty-five West Thirty-second street.

Q. Is that a boarding-house? A. No; it is closed now.

Q. It is closed now? A. Yes; nobody there, but myself.

Q. How long has it been closed? A. I don't know.

Q. What? A. I have been with her two years.

Q. How long has the house been closed? A. Well, it has always been the same way since I have been there.

Q. What is Mrs. Carrie Mack; is she a lady of retired fortune?
A. She simply lived there alone.

Q. And any young lady boarders there? A. No, sir.

Q. Never have been? A. Not in my time.

Q. And you have been there two years? A. Yes, sir.

Q. And only yourself and Mrs. Mack live in that house? A. Yes, sir; and one servant.

Q. And one servant? A. A cook.

Q. And where is Mrs. Mack now? A. At Atlantic City.

Q. In Atlantic City? A. Yes, sir.

Q. When did she leave? A. She left Tuesday.

Q. Last Tuesday? A. Tuesday, a week ago.

Q. In Atlantic City; will you send for her? A. I will.

Q. Did she say she would come? A. She did.

Q. Was that house ever raided? A. No, sir.

Q. Were you ever arrested? A. No, sir.

Q. Nor Mrs. Mack? A. No, sir.

Q. And you say for two years there have never been any girls in that house, except one servant? A. Not to my knowledge.

Q. Could there be without your knowledge? A. I am sometimes away; I go down to Atlantic City sometimes.

Q. When were you to Atlantic City? A. Last summer.

Q. How long were you there? A. Three weeks.

Q. Outside of the time you were at Atlantic City, do you know whether there was any girls in that house or not? A. There is none.

Q. There never was any; don't shake your head? A. No.

Q. There never were any girls in that house? A. No, sir.

By Chairman Lexow:

Q. And have not been for two years? A. No, sir.

By Mr. Goff:

Q. You know what it is to take a false oath, don't you? A. I think I do.

Q. You have got a little conscience, haven't you? A. Yes, sir.

Q. Now, do you think you are taking a false oath, when you say there were never any girls in that house for two years? A. Never, to my knowledge.

Q. Were there; never mind your knowledge; were there girls in that house within two years; now, just be careful? A. There were lady boarders there.

By Chairman Lexow:

Q. How many? A. Two.

Q. Two altogether? A. Yes.

Q. During the entire two years? A. Yes.

By Mr. Goff:

Q. There are not a number of young ladies coming in there in the evening from other houses? A. No, sir.

By Chairman Lexow:

Q. Visit there in the evening? A. No, sir.

By Mr. Goff:

Q. Gentlemen visited there? A. No, sir.

Q. What were those two ladies doing there? A. Just came to visit Mrs. Carrie.

Q. How long did they stay? A. I don't know, exactly how long.

Q. A month? A. I did not keep time.

By Chairman Lexow:

Q. You say they came there as boarders, and now you say they came there to visit Mrs. Mack; what do you mean; is your

first statement true, or your second statement; did they come there as visitors, or come as boarders? A. They came there to Mrs. Carrie's; that is all.

Q. Did they pay board? A. I don't know; I don't know anything of Mrs. Carrie's private business.

Q. You did not collect moneys for her in the hands of others? A. No, sir.

Q. Were you downstairs on the parlor floor? A. No, sir.

Q. Never go downstairs at all? A. Never go downstairs; I just simply work and make beds, and wash dishes, and such things.

By Senator Bradley:

Q. Who cleans the parlor? A. The cook does.

Q. The cook cleans the parlor? A. Yes, sir.

By Mr. Goff:

Q. Who attends to the door? A. Sometimes I go and sometimes the cook.

Q. How many rooms in that house? A. Four bedrooms.

Q. Four bedrooms?

By Chairman Lexow:

Q. Do you make up all the beds there? A. Yes, sir.

Q. How many times a day? A. Once a day.

Q. Only once? A. Yes, sir.

By Senator Bradley:

Q. Do you mean to say you never went into the parlor? A. Oh, yes.

Q. You said you never went into the parlor? A. I go there to clean.

Q. I asked you if you cleaned the parlor? A. I do; sometimes.

Q. You said the cook did? A. She does, sometimes.

By Chairman Lexow:

Q. Don't you know that that was a disorderly house? (No answer.)

Q. Don't you know that was a disorderly house? A. I heard it was.

Q. Didn't you see there, from your own observation — didn't you see enough there to convince you that was a disorderly house? A. Well, I never paid very much attention.

Q. What you did see there convinced you it was not right, didn't it; it is not going to do any good to make a false oath here. A. I heard it was.

Q. You saw men around there, in making up the rooms and attending to your duties; you saw enough there to convince you it was? A. Yes, sir.

Q. And you saw that men came to the house from time to time? A. Yes, sir.

By Mr. Goff:

Q. Wasn't this house known as what is called as a house of assignation?

Chairman Lexow.—She says yes.

Mr. Goff.—This lady may go, unless Judge Ransom has some questions.

Mr. Ransom.—I have no questions.

Mr. Goff.—Is the officer from the Nineteenth here — the wardman from the Nineteenth; is he here? (No answer.)

Lewis Niemo, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Now, Mr. Niemo, speak out; you live at 269 East Tenth street? A. Yes, sir.

Q. Were you in the restaurant business in Fourth street? A. Yes, sir.

Q. What number? A. Lately 77.

Q. When did you leave the business? A. About New Year's.

Q. Two years ago? A. About January.

Q. January, this year? A. Yes.

Q. How long had you kept the restaurant? A. A little over a year.

Q. Did you have any trouble with the police while you had that restaurant? A. Yes, sir.

Q. Give us the first trouble that you had? A. The first trouble, it was — at that time I had a restaurant at 12 Avenue B; I moved afterward to 77 East Fourth street; the policeman used to come —

Q. Do you know the policeman's name? A. No; I do not.

Q. What station-house did he belong to? A. I don't know even that.

Q. Tell what he did then? A. He came in and said I must see the wardman.

Q. You must see the wardman? A. Yes; well, I did not go to see the wardman, and next time he told me the same thing I told him if the ward man has any business he should come to me; the ward man — his name was Hoch.

Q. That was Hoch? A. Yes; a big strong fellow.

Q. Well? A. He came in about 10 or 11 o'clock at night, looked through, and asked me if they were playing cards in my place; I told him they aint; he asked me if I am not selling any liquors; I told him I don't; but he told me I better go to the station, otherwise I would have some trouble; and I never heard since that time any trouble until I moved to 77 East Fourth street.

Q. What occurred in 77 East Fourth street? A. And then that was towards the end of last year; I do not remember the date; an officer came in in full uniform and wanted to see my whole apartment; I had first store, a little room, a kitchen, and another room, one of the long flats on the ground floor; I let him through; it was very nice; and a couple of days afterwards the wardman came in — another one, Taylor.

Q. What was the wardman's name? A. Taylor.

Q. What station-house did he belong to? A. I believe Fifth street and First avenue; I am not sure.

Q. Tell us what Taylor did? A. He was somewhat drunk, I believe; I don't mean exactly under the influence of liquor, but I could smell and see he drank some; and he, without asking my permission, he wanted to go to the back-room; I did not let him in, and then he jumped at me with his fist, and says, "I will fix you;" and he wanted to go in, and I wouldn't let him, the second time; and then he called me very foul names; called me a son-of-a-bitch; well, I told him I was going to the captain right away; and I took with me a couple of —

Q. Wait a moment; did he make any demand on you for anything? A. No; he did not.

Q. Did he say anything like "pay up" or "shut up?" A. Yes; he did say that word.

Q. When was that said? A. The same night.

Q. Tell us exactly his words, if you can? A. I can not remember exactly his words; I was very much excited that night.

Q. What was the purport of his language?

By Chairman Lexow:

Q. Give the sense of it? A. The sense of it is that — there was no sense in all he said.

By Mr. Moss:

Q. What did it mean; what did he try to tell you? A. He tried to go to the back-room once more; I told him an officer was there yesterday, who acted as a gentleman, and I did not let him go through, and I am not going to be bothered any more, and he jumped at me, and said, "I will fix you," and he said something, "Put up or shut up;" and then he called me a very foul name; after that the police came in almost daily to see my place; the same night I went to the captain.

Q. Captain who? A. On Fifth street — Cross.

Q. Captain Cross? A. Yes; I took with me one of my customers there.

Q. What is his name? A. John Rade; I took him to the station-house and told the captain what happened; and I asked — just one second, I go back; when Taylor commenced to jump at me and told me "Put up or shut up," I told him "Go around this number, there is a policy shop; you go next house there is a gambling-house, and you go on 111 Fourth street, there is a house of ill-fame, and I told him, giving 15 names and places, and I told him to let me alone, and I would not stand it.

Q. You told him to attend to those people and let you alone? A. Yes; and he told me 20 times, with his fist, that he will strike me, or something of that effect, and he said if I don't mean my business, I will be fixed before to-night; I — the same night I told him, "Why do you not go yourself to those policy shops, and to those houses of ill-fame, and are friendly with those people, and why do you persecute me; I told him straight; there was may be 15 persons present at that time, and I said, I am not afraid of him or the police. I took this gentleman and went to the captain; the captain said he did not believe me because Mr. Taylor is a gentleman; Taylor entered and said. —

Q. Taylor is a wardman? A. Yes; he at that time entered and said that it is all a lie; and the captain talked in the other room; talked to the man at the desk; probably the sergeant; and he told him he had probably locked me up; Taylor said to the sergeant, "Why don't you lock up that man; he is a nuisance;" the next morning I went to police headquarters myself, and I thought it was fair not to go to the superintendent, before I see the inspector; I went to the inspector; I don't know his name; the inspector of this district.

Q. The inspector of the First district? A. I don't know this district.

Q. Describe the appearance of the man; there are only four of them? A. A tough-looking gentleman with a grayish moustache; he was very tall and used very indecent language.

Q. He answered to your request to meet the inspector of that district? A. There was a policeman at the door, entering the building, and I asked him, where is the inspector of the district; I gave him my number and house and street; he showed me a door; it was written on the door, but I don't remember the inspector of the district; I told him what happened; the whole thing, and his question was, "You keep women."

Q. Did you keep women? A. Yes, sir; I said I had some women, 'What are they, whores?' "No; my wife, mother and grandmother."

Q. That was in answer to his question whether they were whores? A. Yes, sir; he asked me whether I sell any beer or liquor, and I says, "No;" he says, "How, in hell, do you make your living?" That was his exact words; so characteristic that I remembered them; I told him, I knew his name at that time — Williams or — I guess Williams; I said, "Mr. Williams, I come to make a complaint, and not to be questioned this way; I go to the superintendent;" "Oh," he says, "You are too touchy anyway;" I answered something of some kind, I don't remember what it was; I went to the superintendent.

Q. Tell us what happened? A. The superintendent told me in a very nice way that he was busy, to call him in the afternoon; I called in the afternoon; a young man, a very small man, I do not know; probably he is secretary, but in uniform.

Q. Did you hear his name mentioned? A. No.

Q. Would you know his name if you hard it? A. I would recognize him if I saw him.

Q. A small man in uniform attached to the superintendent's squad? A. He acted as secretary; he asked me to give him the items of my story, and told me I would hear from him soon; I told him and have not heard since; I wrote a letter in a couple of days to Superintendent Byrnes, telling him that I had more witnesses; that I was excited, and did not make my full statement, and gave him about eight or 10 names of very respectable citizens among my customers at that time that they can corroborate my story, but never heard since.

Q. You have never heard anything from that complaint? A. Never heard anything since.

Q. Tell us what kind of place you kept at 77 East Fourth street? A. It was a coffee and lunch-room; the only decent, respectable place in the block; others were old dives, gambling-houses, with signs, coffee and cakes, lunch, where you could never get any

coffee and cakes; and mine was the only decent place in the block; and I told the same thing to the wardman, and captain, and superintendent and inspector.

Q. You did really describe it? A. Yes.

Q. Did you have any girls in your employ, except your own family? A. When my wife was absent, I had a servant girl.

Q. Did you say your mother was living there? A. My mother and my grandmother.

Q. Your mother and your grandmother too? A. Yes, sir.

Q. Did you sell any beer or liquor there? A. Never did.

Q. Did you have any disorderly people frequenting your place? A. Some couple of times during evenings, they came in and I threw them away; once I called an officer; he assisted me very nice, on the corner of Second avenue, and I told them I did not want those people, and they wanted cards, and wanted to stay there, and I asked them to go out.

Q. You mean to say you kept a thoroughly-respectable eating-house, the only respectable one in the block? A. Yes; the only one, except there was a regular restaurant there, but only regular meals; I mean of that kind for luncheon, where you could have luncheon; that was the only house in the whole neighborhood.

Q. And you say you offered to give to the superintendent of police some eight or ten names of respectable people who were customers? A. Yes, sir.

Q. And he knew of the character of the places, as well as your story? A. Yes.

Q. I think you mentioned to me the name of Mr. Podhasky; who is he? A. He is a numismatist, who travels every six months in this country, and throughout Europe.

Q. Was he present when Mr. Taylor made the demand on you? A. Yes.

Q. Have you his address? A. It is in Houston street; I don't remember the number.

Q. Why did you give up the restaurant business in Fourth street? A. Because my wife insisted on me that, having trouble with the police, it would be the best thing to drop the business.

Q. It was on account of the annoyance of the police? A. Yes, sir; it may be with the combination of hard times, but I do really think, if it wasn't for the police, I would keep it now.

Q. You said you called Mr. Taylor's attention to some 14 or 15 illegal places in that neighborhood? A. Well, not so many; maybe not so many.

Q. Did you know they were such? A. Yes; I knew some of them to be such.

Q. How did you know it? A. When I started—before I started—I do not want to make the story too long.

Chairman Lexow.—Just shorten it, and tell the substance of it.

The Witness.—I worked as United States interpreter, and I knew I would have to resign under the new administration, and so I wanted to open a place, and, before I opened, I visited in a radius of about 10 blocks every place in the neighborhood. You understand what I mean. All those places in the neighborhood I visited, and conferred with some of those men, and asking them their advice, and took along a man who was in the coffee and lunch-room business before—a countryman of mine, and asked him to introduce me to some of those people, and asked them about how much money was needed, and so forth. And I heard, if they want to play cards, they had to pay protection, from \$15 to \$20 a month.

Q. To whom? A. To the wardman, of course.

By Chairman Lexow:

Q. Who told you this? A. All those proprietors.

Q. Everybody? A. Not everybody; but I can mention some of them.

Q. Give the name? A. Daniel Spitz, he lived at that time, on the corner of Second avenue and Fourth street; I was introduced to him.

Q. Give the names and persons who said protection was necessary? A. Riecher.

Q. Where is his place? A. I don't know now; since a few months I haven't seen anybody.

Q. Where was it then? A. Houston street, near Avenue B.

Q. Anybody else you remember? A. Friesch, he had to pay \$25.

Q. What is his first name? A. I don't know.

Q. Where was his place? A. His place was on Houston too; very near Riecher's place.

Q. Was it a man or woman? A. A man.

By Mr. Moss:

Q. Any other names? A. Some of them I never thought of; yes; I can give you more than that.

Q. Can you do it now?

By Chairman Lexow:

Q. You mean to say that these people told you that this element of the payment of protection was one of the elements you had to consider in going into a business of that kind? A. Yes,

sir; one of the expenses; I believe Riecher was in the coffee-house before; he made me a schedule of expenses; he said it will cost you at least so much, and police so much, and if you have a back room and cards, it will be \$15 more, and it was a regular schedule, and afterwards I decided to pay nothing.

Q. And keep a respectable house? A. Really —

By Mr. Moss:

Q. You figured up these payments would amount to more than if you kept a respectable house? A. No, sir; I did not intend to keep any other house.

Q. You spoke of a policy-shop in your neighborhood, where was that? A. Yes, sir; opposite No. 77.

Q. Do you know that was a policy-shop? A. I asked my mother to go and play two cents, and she got a slip, and I sent the slip, I believe, to Dr. Parkhurst in a letter.

Q. I think I remember? A. And I saw the Taylor — it was after I saw Wardman Taylor talking to this man; I asked my wife to go and hand the two cents in, and she won \$2

Q. Did you observe whether there was a large custom to that policy-shop? A. Well, I did not observe that; there was quite a number of women, especially women, in the morning going in.

Q. Your mother had no difficulty in getting in? A. No; because she knew the next lady keeping a cigar store.

Q. And you called his attention particularly? A. No, sir.

Q. Was it ever raided after that? A. Never raided that I knew of.

Q. How about that house of ill-fame you told me about? A. All I know is that the girls are going in and out; everybody spoke so around.

Q. Where was that house; what was its number? A. I believe it is somewhat like 105 and 111.

Q. What street? A. Fourth street; the name was Green.

By Chairman Lexow:

Q. When Taylor was told by you of the existence of these houses, what did he say? A. He jumped at me with his fist and said to me to mind my own business, and he would fix me.

Q. And then that immediately succeeded your statement to him that there were these policy-shops, and houses of ill-fame on that block? A. Yes, sir.

Q. And he had to look out for them and not for you? A. Yes, sir.

By Mr. Moss:

Q. If the captain of that precinct has reported officially that there are no houses of ill-fame, or policy-shops, or disorderly houses in that precinct, do you still maintain your statement that there was? A. Certainly; most decidedly.

Cross-examination by Mr. Ransom:

Q. What is your first name? A. Lewis.

Q. You were not born in New York, were you? A. No, sir; born in Poland.

Q. What has been your business before you went into the restaurant business? A. United States interpreter for the French, Italian and Slavonic languages.

Q. How long were you engaged in the saloon business up there? A. I never was in the saloon business.

Q. I mean at this place? A. It was since the inauguration of our President, when I lost my place, up to—

Q. You know the name of the President who was inaugurated? A. Yes, sir.

Q. Who was it? A. Grover Cleveland.

Chairman Lexow.—Do you want to continue that line?

Mr. Ransom.—If you would like to have me.

Chairman Lexow.—No.

Mr. Ransom.—It is quite agreeable, if the chairman wishes me to; but as the chairman has no further interest in Grover Cleveland, and I am sure you have not, we will pass on to another subject.

Q. You say you went down to the station-house and saw Captain Cross? A. Yes, sir.

Q. What is the name of the man that was with you at that time? A. John Rade.

Q. Where is he now? A. Five hundred and fifty-five Third avenue.

Q. The captain told you that Taylor was a gentleman, and he believed his story; is that what the captain told you? A. No, sir; I don't know if he believed Mr. Taylor's story; he said he did not believe my story, because Taylor was a gentleman.

Q. Was that all the conversation you had with Captain Cross? A. No; he asked me about the paper—I handed a little paper at that time—a newspaper—and he asked me if it is anarchistic.

Q. What did you tell him? A. I told him just the reverse; it not.

Q. You told him the truth? A. Certainly.

Q. Is the paper in existence now? A. Yes.

Q. What is the name of it? A. Polonca.

Q. It is published how often? A. Once a week, in Baltimore.

By Chairman Lexow:

Q. Are you a Pole? A. I am a Pole; yes, sir.

By Mr. Ransom:

Q. Are you one of the writers on that paper? A. I used to be; I helped them out a little.

Q. You are not now? A. I helped them out a little.

Q. What is that paper devoted to? A. Moral, religious and science.

Q. It is not devoted to politics at all? A. Yes; I guess that the local politics there, they have some advertisements and pictures.

Q. Is it in circulation in this city? A. Yes, sir.

Q. How much? A. In this city and vicinity about 2,000; no; I mean in the vicinity; I was manager, in New York. Brooklyn and Jersey and Hoboken, and so on.

Q. And the captain asked you if that was an anarchistic paper? A. Yes; that is it; that is right.

Q. Did I pronounce it right? A. I guess so.

Q. It was not? A. No.

Q. Will you produce a copy of that paper here for the information of the committee? A. Certainly.

Q. You haven't one with you? A. No.

Q. Send it down to Mr. Goff, perhaps? A. All right, sir.

Q. I would like to see it, and I suppose the committee would; did you say in your direct examination that the inspector you saw was Captain or Inspector Williams? A. I—it strikes me, but I could not swear to that; he was inspector of the district where 77 Fourth street lies.

Q. You don't know; you know you were shown into a room when you asked for the inspector of that district? A. I knew at that time, I believe.

Q. Did you know the man you saw was the inspector of that district? A. I knew; yes, sir.

Q. How did you know he was the inspector of that district? A. Because I was positive at that time; at that time I asked somebody the name, and asked him; now, I forget—

Q. You know you were positive because you were told he was the inspector? A. Well, I—

Q. Did you ever see Inspector Williams to your knowledge? A. I saw him at that time.

Q. You now say you did see him positively; do you? A. Yes, sir.

Q. You now swear that the man you saw was Inspector Williams? A. I don't know his name; I know he was inspector of that district.

Q. I want to know from you if you ever saw, to your knowledge, Inspector Williams — recognized a man as Inspector Williams? A. If Inspector Williams is the inspector of that district I saw him.

Q. That is the question, whether you know Inspector Williams? A. Yes, sir.

Q. Who was present when you had the conversation with Inspector Williams or the man you saw? A. The sergeant, or whoever it is; an officer was there.

Q. Some officer; how long did this conversation last? A. Oh, about five or 10 minutes.

Q. You have endeavored to give the committee a truthful account of the conversation you had with this man, this inspector of that district? A. I not only endeavored, but I did.

Q. You rather object then to my modification or qualification of your testimony? A. No; I do not object.

Q. There is no possible doubt in your mind, but you have given every word of that conversation? A. Not every word; but at least as much as —

Q. Have you intended to conceal any portion of the conversation? A. I did not.

Q. You meant to give it all; did you? A. Yes, sir.

Q. You endeavored to do so, did you? A. If you like to call it so; yes, sir.

Q. How do you like the word endeavor; did you or not endeavor to give the whole of it to the committee? A. Your first question was how did I express it?

By Chairman Lexow:

Q. Did you endeavor to tell the whole truth in regard to that; give the whole conversation, without concealing any part of it? A. Yes; I did.

By Mr. Ransom:

Q. Why couldn't you answer me; that is my question? A. You asked too many questions.

Q. Why didn't you answer me that question frankly; that was my question? A. Well, I will answer you now; I did not catch it in the right way.

Senator O'Connor.—I think the witness tries to be fair.

Mr. Ransom.—I thought he did until that time.

Mr. Moss.—The questions are a little mixed.

Mr. Ransom.—I thought the witness tried to be fair until then, and then I thought he did not.

Q. You then went from the inspector to the superintendent?

A. Yes.

Q. He received you, as I remember your testimony, very nice?

A. Very nice; I was surprised.

Q. What is that? A. I was surprised.

Q. Had you ever seen the superintendent before? A. No; but I had seen police officers.

Q. Had you ever seen the superintendent before? A. Yes, sir; I did.

Q. Spoken to him? A. No.

Q. Why were you surprised that you were treated so? A. Because I judged the chief by his subordinates?

Q. You made a mistake for once? A. I did.

Q. This superintendent told you if you came again he would see you? A. Yes, sir.

Q. You went again, and you did see him? A. No; he was busy at that time.

Q. Didn't you say you never saw him again? A. No.

Q. You wrote him a report? A. I saw his secretary the second time.

Q. And did you make your statement to the secretary? A. Yes, sir.

Q. And then you sent some letter with a list of names to the superintendent? A. Yes, sir.

Q. That was all explained to the superintendent? A. Yes, sir.

Q. And in that complaint you gave him the same facts you had given the committee? A. Yes, sir.

Q. Did you ever have any further trouble with Taylor, or any wardman in your business? A. I sold out pretty soon afterward.

By Chairman Lexow:

Q. Answer the question; did you have any more trouble with Taylor in your business? A. No, sir; I never did.

By Mr. Ransom:

Q. Did you ever have any more trouble while you were keeping your saloon, with any policeman? A. No; I never did.

Q. It is a fair inference, then, isn't it, that the superintendent entertained your complaint, and you got relief? A. Yes.

Chairman Lexow.—But he did not do anything with Taylor, so far as we know.

Mr. Ransom.—We do not know what he did with Taylor. It is a perfectly fair inference, I think, that the superintendent of police attended to his duty in this regard, from the testimony of the witness.

Chairman Lexow.—And the witness was not interfered with at that time?

Mr. Ransom.—No.

Q. Were these friends of yours, Mr. Spitz and Mr. Riecher, and others whose names you do not recall, engaged in this disreputable business you speak of, when they were in business?

Mr. Moss.—Objected to. He has not stated they were friends of his.

The Witness.—I did not call them friends at all.

Chairman Lexow.—He objects to your using the term, friends, in connection with them. He says he did not call them friends. I would leave that out of the question.

Q. You object to my question upon the ground that I have used the word friends? A. Certainly.

Q. Then, Mr. Spitz, was no friend of yours? A. No, sir.

Q. Mr. Riecher was no friend of yours? A. No, sir.

Q. Had you been acquainted with them long? A. No; I was not, before I started.

Q. Had you been acquainted with them long? A. No.

Q. You mean now to testify under oath that you went to the place of business of a man of the name of Spitz, who was not your friend, and you inquired of him in regard to the business, which you thought of going into? A. Yes, sir.

Q. And he took his time to give you a list of expenses? A. Yes.

Q. And talked with you frankly about it? A. I don't know about frankly.

Q. Did he appear to be frank about it? A. Yes.

Q. Did you believe what he said? A. Not much; believed some part of it, and took memorandum of all they told me, and used my judgment.

Q. Did you believe what Spitz told you? A. Some parts.

Q. What part didn't you believe? A. When he said, "You better not go in a lunchroom; business is very bad;" I thought it was not so; business might be very good, and he would not tell you.

Q. Just tell any part you did not believe, besides that? A. I don't remember.

Q. You believed him when he told you you would have to pay the police for protection? A. I stated the fact.

Q. Did you believe it when he told you you would be compelled to pay the police for protection? A. Well, I might believe him; there are some questions I have got to answer.

Q. Is there any reason why you will not answer that question frankly? A. There is no reason only belief is not a thing to remember for months, and you want me to positively state whether I did believe him.

Q. At the time you say he told you, you must pay for police protection, did you think he was telling the truth? A. Yes; I had no reason not to believe him.

Q. Had you any reason to believe it? A. No, sir.

Q. What did you do; you have the word belief now?

By Chairman Lexow:

Q. Do you remember whether you believed him or not? A. I might have believed him; I might believe he could pay something, but I did not believe he paid \$25 or \$50, or as much as he said.

By Mr. Ransom:

Q. You believed he paid something, but did not believe he paid as much as he said? A. I might.

Q. Have you any memory to-day of what was in your mind at that time? A. Yes, sir; I would say I believed him.

Q. You did believe it? A. Yes.

Q. I wish you would have said so five or six minutes ago, and you would have saved the time of the committee? A. I wanted to say frankly and squarely; I wanted to think it over.

Q. You came down here to tell the truth? A. Certainly.

Q. How did you happen to come here? A. Last night came a gentleman and handed me a paper to come here.

Q. You had talked with somebody about your experience? A. I wrote to Dr. Parkhurst several letters.

Q. You wrote Dr. Parkhurst several letters; when did you do that? A. I thought it my duty; I did not have anybody else to write to; I write to the superintendent before.

Q. The superintendent stopped all your trouble evidently; you wrote Dr. Parkhurst why — any particular reason? A. Yes, sir.

Q. Why? A. I thought if I had trouble again Dr. Parkhurst might help me out.

Q. When you saw Reicher and he told you about the same thing that Spitz told you, didn't he, about the police protection? A. Yes.

Q. You believed what he told you? A. Yes; I believed him.

Q. Was Reicher an acquaintance of yours? A. Yes, sir; I knew him a great deal longer than Spitz.

Q. You object to his being called your friend? A. Yes, sir.

Q. He is not your friend? A. No, sir.

Q. You went to nobody else and got confidential communications about the police protection? A. There was nothing confidential.

Q. Didn't you regard it as confidential? A. No, sir.

Q. Did you tell anybody about it? A. Certainly; it is the talk of the streets there.

Q. Did you tell anybody at the time you saw Reicher and Spitz what they said to you about police protection? A. Excuse me; I did not hear the words.

By Senator O'Connor:

Q. Did you tell any person what Reicher and Spitz said about police protection? A. Certainly; I am not making any mystery of it.

By Mr. Ransom:

Q. Won't you name to whom you made the statement; can you name a person? A. Yes, sir; Puttishkey.

Q. Some friend of yours? A. No friend, a customer.

Q. Now, you take a man who was simply a customer, and not your friend, you told him all the story you heard from Spitz? A. Not all of it; I told him about protection.

Q. Did you tell him about police protection? A. Yes.

Q. I understood you believed what Spitz and Reicher told you on the subject of police protection? A. Yes, sir.

Q. And you then opened your place? A. Yes, sir.

Q. Did you? A. Yes, sir.

Q. Did you ever pay the police for protection? A. Never paid a cent.

Mr. Ransom.—That is all, sir.

By Mr. Moss:

Q. What is your present business? A. I am collector for a concern.

Q. Collector for what? A. For a very large concern.

Q. You may state the concern, may you not, the nature of the business? A. I am afraid it might—

Q. You are now a collector for a corporation in the city of New York, are you not? A. Yes.

Chairman Lexow.—He don't like to give the name.

Mr. Moss.—I simply want to establish him as a collector of large corporations.

Mr. Ransom.—Is he a collector of money or curios?

Chairman Lexow.—We are the collectors of curios.

Harry Hill, called as a witness on behalf of the State, was duly sworn:

The Witness.—I do not want to go on the stand to-day. I was called very suddenly.

Chairman Lexow.—That is all right; you are under compulsion. Kiss the book, Mr. Hill. Now, shall we take an adjournment?

Mr. Goff.—I wish to state, Mr. Chairman, the witness has been sworn, of course, he is now in charge of the sergeant-of-arms and his deputy. Mr. Schram, Mr. Hill will be in your charge, until the committee convenes.

The Chairman.—We will take a recess now, until quarter after 2. All witnesses here under subpoena, will attend again at quarter after 2 o'clock. The subpoenas hold good to-day.

AFTERNOON SESSION.

June 20, 1894.

Ada Clinton, recalled by the committee, being examined, further testified:

By Mr. Goff:

Q. Miss Clinton, since you were on the stand this morning, you have talked with my associate, Mr. Jerome, have you not? A. Yes, sir.

Q. And you have talked with me, for a little while? A. Yes, sir.

Q. And what did I tell you about this committee; will you please tell the Senators what I told you? A. You said the best thing for me to do was to tell all I knew, and that no harm would come to me if I did; which I promised to do.

Q. What did I tell you about the object of this committee; what its purpose was; do you remember? A. Yes, sir; you mentioned that you wanted to abolish the way the police had been treating us, and you thought it was for our good.

By the Chairman:

Q. Abolish the corruption? A. The corruption; yes, sir.

Q. In this city? A. Yes, sir.

By Mr. Goff:

Q. Did I not tell you that this committee nor its counsel had no feelings against you nor any woman of your class? A. You did.

Q. And that the object of this committee was to break up the system of police corruption and oppression of women of your class? A. Yes, sir.

Q. You testified to some things here this morning that were not true? A. I did.

Q. I understood from you that you were afraid in giving your testimony that some harm would come to you? A. Yes; I guess I was.

Q. Is it not a fact that you have understood, that all the girls up there of your class have understood, that anyone who came here before this investigating committee and told the truth, that the police would make them suffer? A. Yes, sir.

Q. And is it not a fact that many of the houses up in that neighborhood have closed up since this committee commenced its hearings? A. Yes, sir.

Q. Is it not understood as a common thing there among the houses to close up until this committee gets out of town? A. It is.

Q. Now, about that; did Miss Shaw say anything to you when she was leaving about this committee? A. She said that she would be away for some time, until after this committee would adjourn.

Q. Until after this committee would be adjourned? A. Yes, sir.

Q. Did she say anything about having to close up her house if this committee continued the way it was going on? A. Well, her impression was that if she gave any testimony here that she would certainly have to close the place up.

Q. So she got out of town? A. Yes, sir.

Q. And left you to face the music? A. Yes, sir.

Q. You feel sorry for testifying the way you did this morning, do you not? A. I certainly regret very much what I have said.

Q. You know we have no feeling here against women of your class, except a feeling of pity; do you understand that now? A. Yes, sir.

Q. It is not about you or women of your class that this committee sits here to inquire; you understand that, don't you? A. Yes, sir.

Q. Now, as I told you at recess, this committee would treat you as you are; I told you that, did I not? A. Yes, sir.

The Chairman.—I will add that we have nothing to do with houses of the description that we suppose you have been con-

needed with, further than to inquire into them as an instance to police corruption, if it exists?

Senator O'Connor.—No testimony given by her—

The Chairman.—And no testimony given by you can be used against you in any proceeding hereafter. On the contrary, if you testify to corruption, if it did exist, that testimony of yours is an absolute bar to any proceeding to be had against you hereafter; it can not be used against you at all.

Senator Robertson.—Nothing you may say connecting you with the police department at all.

Mr. Goff.—I wish you would add here, at this juncture, because it will be of public service, Mr. Chairman, that the object of this committee is not to expose the frailties of women, or of the unfortunate class of which this girl may belong.

The Chairman.—Not at all. It is simply to inquire whether as an incident to the police department here, the payment of moneys by houses such as yours was, is a necessary adjunct up to this time, and upon that to frame legislation to counteract, if possible; and if you testify to the truth, and give this committee facts upon which we can base legislation, you are performing a service to the State.

By Mr. Goff:

Q. Now, Miss Clinton, how many years were you connected with Mrs. Shaw? A. I have known Mrs. Shaw for 10 years, and I have lived with her, but not steadily; I only stay there about six months, and then I go away, and come back.

Q. During the time that you have known Mrs. Shaw, has she resided at 123 West Twenty-eighth street, all that time? A. She has been living there for the past nine years.

Q. And all the time that she has been living there she has been keeping a house of ill-fame, as we call it? A. Yes, sir.

Q. She had girls there? A. Yes, sir.

Q. And how many girls did she have on the average there? A. On an average 10.

Q. Was she ever interfered with, or was the house ever interfered with, at any time, except this once, by Officer Cash? A. I believe it has.

Q. You believe it has? A. Yes, sir; she has been raided, I think, about three or four times.

Q. She is a pretty wealthy woman, is she not? A. Well, she is pretty comfortable.

Q. She owns tenement property? A. Yes, sir.

Q. Flats? A. Flats.

Q. Collects the rents from the flats? A. Yes, sir.

Q. And she banks them through you? A. Yes, sir.

Q. You attend to the banking of it? A. Yes, sir.

Q. And she has her horses and carriages? A. Yes, sir; she has.

Q. Coachman? A. Yes, sir.

Q. And footman? A. No, sir; only coachman.

Q. And she frequently drives out in the park and on the boulevards? A. Yes, sir.

Q. Do you know anything of your own knowledge — I ask you now of your own knowledge first — do you know anything about protection having been paid by her? A. I have never seen her pay a cent; no, sir.

Q. Now, what was your understanding in the house, you who had charge of her business, and taking care of her money, and so forth, what was your understanding in the house as to whether the police protected her or not? A. I never heard her say, but every morning I always hand her the money that has been taken in, and, of course, she disposes of it as she pleases.

Q. Is it not a general understanding among the girls that the police were paid for protection? A. Well, I never heard them say anything.

Q. You never heard the girls say anything? A. No, sir; I never did.

Q. What was your understanding between yourself and Mrs. Shaw? A. I never had very much to say to her about it, but I always imagined, because I heard others say, that they had to pay, and no doubt she had to pay, too.

Q. She had to pay, too? A. I supposed so.

Q. Wasn't it a common understanding among all the women up there in that neighborhood that they all had to pay the police for protection for their houses? A. Well, I suppose it is so.

Q. And you understood it so? A. I understood it so; yes, sir.

Q. Now, since Mrs. Shaw went away, how many girls have you had? A. Six.

Q. When she went away, she cautioned you, did she not? A. Yes, sir; not to allow anybody but those that I knew in the house.

Q. Did she say anything about being all right, so far as the police were concerned? A. She didn't say anything about the police to me at all; all she said was, "Be very careful who you let in."

Q. Do you know where she is? A. The last time I heard from her she was in Albany.

Q. How long is that? A. It is about a week ago; she said she was coming down to Poughkeepsie.

Q. Did she say anything about whether you had been subpoenaed before this committee? A. No, sir.

Q. Didn't make any inquiries concerning the committee? A. No, sir; she asked me if everything was all right in the house, and I said, yes.

Q. That was by letter? A. Yes, sir.

By the Chairman:

Q. Have you any idea as to the amounts that were paid by Mrs. Shaw? A. That I couldn't swear to.

Q. Have you any idea of it without being able to state positively, exactly the amounts; have you any idea of what she did pay? A. I couldn't say.

Q. Do you know to whom she paid? A. No, sir; I do not.

By Mr. Goff:

Q. Haven't you seen wardmen there in the house a number of times? A. No, sir; not to my knowledge, I haven't; they may have been there, and I didn't know them.

Q. Do you know who the wardmen in that district were? A. No; the only wardman I know was this Cash.

Q. Did he come in more than once? A. No, sir; when he arrested me.

Q. That is the only time? A. That is the only time I saw him in the house.

Q. Do you know whether he was paid after the arrest was made? A. I couldn't say.

By Senator Bradley:

Q. Did Mrs. Shaw ever say to you anything with reference to the payment by her of money for protection? A. She hadn't made any allusion of that kind to me.

Q. Did she never tell you how much it cost her to get you out on bail? A. No, sir; it was a lawyer that bailed me out.

Q. But didn't she tell you anything about how much money you cost her at that time? A. She didn't.

Q. She didn't charge it up to you? A. I don't think she ought to when I was the woman that was arrested.

Cross-examination by Mr. Ransom:

Q. You left the court-room this morning, after you had testified, in company with Mr. Jerome? A. Yes, sir.

Q. Ostensibly for the purpose of going to the police commissioners to make a complaint for a false arrest? A. Yes, sir.

Q. Did you go there? A. Well, I went very near there.

Q. Where did you go? A. I think we went as far as Mott street, I think.

Q. Mott or Mulberry? A. Mulberry, I —

Q. To go to the police commissioners; did you go to the police commissioners? A. No, sir; I didn't.

Q. You don't know where you went? A. I went to some street and stopped there, and Mr. Jerome advised me to come forward and tell whatever I knew; he said it was for —

Q. Didn't Mr. Jerome take you to the police commissioners to make a complaint? A. Yes, sir.

Q. Did he take you there? A. I didn't go there.

Q. Why didn't you go to the police commissioners? A. Because he advised me to do differently, to come here and tell everything I knew, and if I did so he would take me to another place, which he did.

Q. You haven't in any way changed your testimony in regard to Cash coming to the house and arresting you, have you? A. No, sir; he did come there and arrest me.

Q. I don't care to have you go over it; I don't recollect that you made any change in your testimony? A. He did come to the house and arrest me.

Q. I understood you to say that you had had a conversation with Mr. Goff in regard to your coming back upon the stand and testifying? A. Yes, sir.

Q. I understood you to say that he told you it would be for your interest to do so? A. Yes, sir; he did.

Q. What did he say about that? A. He told me it was for my interest to come here and testify, and that I need not fear anything, because the police could not do anything to me.

Q. Is that what you meant when you said he told you it would be for your interest? A. Yes, sir.

Q. That was all that he said? A. Yes, sir.

By Senator O'Connor.

Q. The only thing that deterred you from testifying this morning to what you testify now, was the fear that you labored under? A. Yes, sir.

Q. Now, we say to you, that if anybody attempts to interfere with you, you are to notify Mr. Goff, or the chairman of the committee? A. Yes, sir.

The Chairman.—You understand that. If anybody attempts to harass, annoy or interfere with you, let Mr. Goff, the counsel, know, and he will take care of your interests?

By Mr. Goff:

Q. Do you remember one time when Mrs. Shaw was closed down for some weeks, and there was trouble around? A. Yes, sir; she was closed for some weeks.

Q. Do you remember Mrs. Shaw saying anything about opening up again, that everything was all right? A. Yes, sir; she came in one day and said, "Now, I can open my house," and she opened it, and we commenced to take in boarders; she said everything was all right.

Q. About how long ago is that? A. That is, I guess, four or five months ago.

By the Chairman:

Q. On the way over to the police commissioners you came to the conclusion that you had no special charge to make against Mr. Cash; that was a fact, wasn't it; you told Mr. Jerome that your statements this morning were wrong, and that you had no charge to make against this Mr. Cash? A. Yes, sir.

Q. And that is the reason that you now come to correct that? A. To correct it; yes, sir.

Q. There was no intimidation, was there, or compulsion? A. No; none whatever.

By Mr. Goff:

Q. You come here of your own free will back again? A. I come of my own free will.

By Mr. Ransom:

Q. Do you desire to recall the answer that you gave me about Mr. Jerome advising you that it was not necessary for you to go to the police commissioners? A. He did advise me.

By the Chairman:

Q. He advised you after you said you had no charge to make against Mr. Cash? A. Yes, sir.

Harry Hill, resumed the stand.

Direct examination by Mr. Goff:

The Chairman.—Mr. Hill, before giving your testimony, I want to say that nothing that you say here with reference to bribery or corruption, can be used against you in any proceedings hereafter, and I do not believe that any testimony that will be given by you here will be used by any judge or court, if sentence has been suspended or otherwise, against your interests, or to put you in jeopardy; do you understand that?

Witness.—I do; yes; perfectly.

Q. That you are, if you state the full facts, in your case, performing a service to the State, which fact would be brought home to the knowledge of any court that attempted to use the facts you give now for the purpose of punishing you? A. Can I make a few words, please, gentlemen?

The Chairman.—You will be inquired of. Everything will be inquired of. I understand, Mr. Goff, that the witness is under a suspension of sentence?

Mr. Goff.—Yes.

The Chairman.—I simply wanted to impress upon the witness' mind, that whatever influence this committee possessed, would be used if he states the truth upon the witness stand here for the purpose of avoiding the use of his testimony in that proceeding.

By Mr. Goff:

Q. You have been a good many years in this country, have you not? A. Yes, sir; I landed here in 1850, in May.

Q. You have spent nearly all those years in New York city? A. I have; yes, sir.

Q. You are about as well known in New York city as Broadway is, your name? A. So people think, I don't know.

Q. Speak a little louder? A. I suppose I am known all over the world.

Q. You kept a famous resort up at Houston street? A. Excuse me, counsel, you are getting a little ahead of your story; you want to know where I landed; I will tell you; I landed where nobody else did land in his life to-day in America.

Q. Where was that? A. Mr. Woolsey's dock in Astoria, the great sugar house man; I came here as an unwilling witness, and I want you to understand it, but if you want to know my pedigree I will tell you; I am not saving you; I came here, and my passage was paid by an American, on a sailing ship; we landed on his own dock.

Q. Woolsey's own dock? A. Mr. Woolsey's own dock.

Q. How long did the passage take in those days? A. About eight weeks.

Q. Quite a difference now from eight days? A. So they tell me; I haven't had money enough to go back since I got under police protection.

Q. You haven't had money enough to go back? A. I went 10 years ago when I was not under protection.

Q. You were under protection then? A. Before I was under protection I had money enough to go there, over to see the fight of Heenan and Sayers.

Q. Over at Farnsbrough? A. Yes, sir; and I paid my own passage.

Q. Were you on the field at Farnsbrough? A. Yes, sir; I was a referee of the fight.

Q. You were not under protection then? A. No, sir.

Q. You had a dollar then? A. I did, and I didn't carry a pistol either.

Q. After you got under police protection, you didn't have many dollars? A. Well, it was not their fault I did; you understand that I did have it.

Mr. Goff.—Mr. Chairman, there are a number of witnesses in court under subpoena, men of business, and I do not wish to detain them any longer than it is necessary. I wish you would announce that those witnesses are excused now, if they will be here at half-past 10 o'clock to-morrow.

The Chairman.—All witnesses, excepting the witnesses under examination, will attend here to-morrow morning at half-past 10. They are excused for the day.

Witness.—Mr. Goff, excuse me. I was subpoenaed this morning at 3 o'clock. I was coming off a fishing smack, and didn't come here prepared to testify or do anything. I ain't been to bed all night and I would like to be excused, if it is possible, and come some future time when I have got my notes so that I can tell day and date. I am not going back on any good friend that did me kindness, but them that did me an injury, I am going back on them.

Q. I will tell you what we will do, Mr. Hill; we will briefly examine you now, and then when we want to make a further examination on the notes we will excuse until a day when you feel better? A. Your officer served papers on me this morning at 3 o'clock; I came here and I did not know what I was going to testify to, and I don't really know now; I have got day and dates; I can tell you the entire circumstances.

Q. Whatever you say is of great interest; everybody will hear it? A. If you want to know my pedigree I will tell it from the time I was born; when we attended cows and sparrows, cows on the farm.

Q. Now, Mr. Hill, I want to ask you when did you open up that place of yours on Houston street? A. Eighteen hundred and fifty-four, I think, is the date set on it; I have the picture of it.

Q. And you continued that for how long? A. For 34 years.

Q. You had a theater there? A. I did.

Q. And you had religious exercises there on Sunday night? A. I did; and temperance meetings.

Q. Temperance meetings on Sunday nights? A. And a variety show in addition, and paid for a theatrical license, same as Niblo's and any other theater.

Q. That was \$500? A. Five hundred dollars, and \$300 if we didn't pay in advance, a year; I always paid in advance.

Q. You always had the reputation of keeping an orderly place? A. That is what the old police used to tell me when they were on.

Q. You always tried to keep an orderly place? A. I tried to; I never had any complaints at all until late years.

Q. You always conducted that in a manner so that anyone who went in was not interfered with or insulted or robbed?

A. Never in the world; I wouldn't allow no man; if a rough came there looking for a fight, he got thrown down stairs, and the police would take charge of him outside; I done the throwing out myself, too; I can prove it.

Q. You had a little difficulty with the police, not of your own making, did you not? A. I did, in the after part, with a friend of mine, with a personal friend.

Q. But you never made the trouble yourself; you didn't commence the trouble? A. I didn't.

Q. It was forced upon you, was it not? A. To a certain extent; yes, sir.

Q. You were always on friendly terms with the police up to that time? A. I was; during the riot between Fernando Woods' people and the police, I took a pistol and a club and went with the new police where there was rioting; there was a Dutchman down there that day that insulted me, and I went down there to kill him that night if I could see him; I was deputized.

Q. You were a deputy marshal? A. Yes, sir; I volunteered 100 men to stop that riot.

Q. You always treated the police pretty well, too? A. And they treated me pretty well, too, for many years.

Q. The police were never particular about your closing up at 1 o'clock, the hour? A. They were not.

Q. And they were never particular in preventing you from selling a glass of beer on Sunday if you wanted to? A. I never sold on a Sunday until after a certain hour at night; I was very particular at that.

Q. You had a little difficulty there with one man, had you not, with one policeman? A. I did; yes, sir.

Q. What was his name? A. His name was Mr. Murphy, I think.

Q. That is, Captain Murphy? A. Captain Murphy; yes, sir.

Q. He was captain of the precinct at that time? A. Yes, sir; but I have had lots of captains before him; why don't you ask me about the other captains, all good people.

Q. I will ask you about those, Mr. Hill; do you remember about the time that you had trouble with Captain Murphy? A. Oh, he came in the ward about seven years ago; I think it was about two years before the blizzard; I left there the May after the blizzard.

Q. What was that trouble? A. It takes long to tell the story; the committee don't want to listen to my story; it is too long; if you come down to Rockaway, where I live, I will tell you all about it.

The Chairman.—Go on; we will hear it with patience and interest.

The Witness.—I will tell you the true story. Mr. Murphy was supposed to be a friend of mine. He was then captain up-town. Before that he was sent what is commonly called "among the goats." I went to the funeral of our friend, who was a good captain, and Mr. Murphy asked me to intercede for him to the commissioners, to bring him down in our ward. I thought Mr. Murphy was a nice fellow, a very nice fellow. I met him on the race track, made many a bet with him; met him Sunday nights, playing the fiddle. He said, "I will make a good captain for you, if you will intercede to get me there." The police commissioners came down to the ferry where I was chartering a boat at that time. They had my boat chartered for two years. They said, "The check is ready for you; come down to-day and get it." Murphy took me by the neck and said, "Come over with us. I am a candidate for your ward, and I will be your friend," and I thought he was my friend. To make a long story short, he had not been in the ward more than a week or two when he began to back-cap and blackmail me, and put up a job to get other people to do dirty work, and he was getting the money.

Q. Who were the police commissioners then? A. Mr. French and Sid Nicholls, dead and gone, an old friend of mine; Mr. Matthews and Mason.

Q. Did you see the police commissioners to influence them to have Murphy brought down from Goatville? A. I did.

Q. Which of the commissioners did you see? A. I saw them all.

Q. Did they give you a favorable reply? A. I asked Murphy who was backing him, if he had any particular backer in the commissioners when he was a candidate for the ward; he said, "Yes, I have Sid Nicholls, a Tammany Hall man; he is with me;" I said, "All right, then; he is all right;" I next morning went and seen the other commissioners—French; I was doing business with them, in the way of letting my boat to them, and I had

my check to get, and I talked with them, and they said they had no objection, if I thought Mr. Murphy was a good man for the ward they would bring him down there, and they said I knew more about the ward than they did; they were new commissioners, and I had been in the ward for 30 years; "We will bring down anybody you think is worthy for the position;" I said, "I think Mr. Murphy is a smart young man, and he will make a good man for the ward; you want a good, lively man around here, and I think he will be a good man for the ward," and I got my friends to vote for him, and brought him down in 30 days.

Q. In 30 days? A. Yes, sir; the day they brought him down — it is not necessary to answer a lot of questions; I will tell the rest of it myself; the day they brought him down the four commissioners passed my door, which were all friends of mine; Mr. Matthews and Mr. Mason were walking together, side by side; Mr. French and Mr. Nicholls were just a little ahead, and Mr. Mason turned around and says, as I came out of the door to pass the time of day; he says, "Well, we pleased one man to-day;" I said, "Who did you please;" they were going down to the Metropolitan to take lunch; he said, "We pleased Harry Hill;" well, I was in the habit of interceding for friends for doing a little kindness; I said, "What did you do for Harry Hill;" "Well, we brought down your friend, Murphy; we consigned him to this ward;" I shook hands with him; I was the most happy man in the world; I thought I had the best friend in the world in the ward; Murphy knows this; they were going down to take lunch at the Metropolitan; I insisted on them taking lunch around with me, and the finest was not good enough; well, I was talking to these commissioners; I asked them if they had any objection about this man at all; I came to his friend, who he said was Sid Nicholls, a Tammany Hall man; when I spoke to him, he said, "Harry, you don't want him; he is a fraud and he is no good; he is a 'blackmailer;" I said, "Well, I think I do, now," and I went to my friends, and went to Mr. Sledin, the undertaker, to use their influence to bring Mr. Murphy there; I found that the man he thought was backing him was against him, because he pulled a certain house one night when their friends were in it and thought he could blackmail the police commissioners.

Q. What house was that? A. In Lexington avenue.

Q. Do you remember the number? A. I do not, but the police told me that themselves.

Q. Was he in the house when it was pulled? A. Yes; and he thought the police were in there, which if they had been, they would have broke him, or send him back among the goats.

Q. That is, if the police commissioners had been in the house he would have been broke for pulling that house? A. Yes, sir; Shed Shook is alive to-day; he will tell you; he went their bail; he is a friend of mine and will tell you the truth.

Q. Is it this way, that because they found Boss Shephard there, Murphy was sent among the goats? A. It showed his ignorance; after my bringing him down they sent him back among the goats, too.

Q. After you had lunch on that day at the Metropolitan the captain was brought down in the precinct in 30 days? A. Yes, sir; he was.

Q. After he came into the precinct, was he friendly with you? A. Oh, very; he used to come and drink my wine every night; pretty much, and I paid for it.

Q. He never was particular as to the number of bottles he opened under those conditions? A. No; so different from other captains; I had Captain Killillea; I had Captain Williamson; I had Dilkes; I can name a dozen captains who were not half as kind as he was because they used to bring in friends and paid for what they got; but Mr. Murphy used to say, "Those are my friends;" these other detectives would come in and say, "Harry, make those fellows pay for the wine, and we will show them the sights of New York;" the same as the committee has been.

By Senator Bradley:

Q. The hayseeders? A. Yes, sir; we used to call them hayseeders, but very sensible people at that; all these detectives would say was, "Harry, we have some suckers, we are showing them around New York, but make them pay for the wine;" I wont mention good peoples' names because they were good; I had lots of kind captains; there was Alliare; I never had any trouble with him; I had no trouble with Inspector Byrnes; on one occasion, there was a report that there was a prize-fight near Broadway; he came around to scold me; he said it was a sporting-house, and said, "You ought not to allow that to go on;" such a thing never occurred; the same as these newspaper men that are anxious for news; they will illustrate and tell all sorts of stories when they are writing by the line; to get all sorts of things in; such thing never occurred in the world; I told Mr. Byrnes that such a thing had never occurred, but they did not mention my name; they said a sporting-house, but there were several between me and Broadway; they used to fight dogs.

Q. The House of Lords was between you and Broadway? A. Yes, sir; and the House of Commons below; Bob Smith kept that; he was pulled too because they sang there.

Q. I suppose Captain Murphy paid quite a number of visits to you? A. He did; most every night.

Q. And the wine always flowed when he went in there? A. It did at my expense.

Q. What brand did he use? A. Extra dry; nothing worse than extra dry, and my own brand; that I imported; he was very fond of that.

Q. What was that? A. Harry Hill's Own.

Q. He was particularly fond of Harry Hill's Own? A. Oh, it was nice; these are facts, gentlemen; you might not think so, but it is actually the truth.

Q. No matter how many bottles you opened, even the extra dry or Harry Hill's Own, the captain never paid for them? A. Shook hands.

Q. But nothing passed? A. What they call a good shaking hands.

Q. But it was not a police shake; there was nothing between the hands? A. Not that time; there was once or twice.

Q. Later on? A. Later on; that is when he struck me at Billy Rogers, in Broadway; \$150 that day.

Q. Was that the first strike? A. It was an agent of his; I think, he stood outside and seen the agent do his duty.

Q. Tell us about that? A. There is so much to tell, it takes too long.

Q. We will be patient? A. I think I kind of hold the audience, don't I?

Q. Yes; you are holding the audience good.

Senator Bradley.—Take a drink of ice water.

The Witness.—The first time I ever drank a glass of water in my life, and the first time I ever drank any sarsaparilla in my life.

Q. About the first time that Mr. Murphy struck you for \$150; was that the first strike that had been made upon you? A. Oh, no; not on the sneak; before that.

Q. Tell us about the first? A. Just about \$50, now and again; just on the quiet.

Q. How was the strike made; was it through the wardman? A. Yes; through Mr. Moran.

Q. Through Detective Moran? A. Yes; the wardman.

Q. What used Moran say to you when he struck you? A. Well, he said a good deal sometimes.

Q. Just about? A. He was recognized ward detective; the two ward detectives were not recognized, which is really recognized by the commissioners; they were merely outcasts; they wouldn't do dirty work for this captain; that was Mr. Brennan

and Mr. Hock; they were ward detectives, and they used to walk around like sparrows; they were not recognized; he had his own people, his own men to do his work.

Q. Moran was his principal man, his confidential man? A. He was, but he was not recognized as his detective at that; he was one of his own appointees.

Q. Went around in civilian clothes? A. As a collector?

Q. That is, collecting for the captain from all the houses in the precinct? A. Yes; protecting the Italians and their stands.

Q. In that matter about the Italian stands, did you ever know anything, of your knowledge, where the Italians had to give up to him? A. No; nothing more than he used to tell me.

Q. But it was the understood thing around? A. Oh, they had certain men to attend to that business, you know.

Q. About the houses of ill-fame and the bedhouses in that district, they had to give up to? A. I don't know anything about that; I was not in that business.

Q. Well, about the sporting houses? A. Well, I know they run; that is all I know; I can not tell what they gave up or what they didn't.

Q. What was the first sum that they ever struck you for? A. Oh, a good many \$50, and then finally they thought they would raise the ante when Mr. Murray—he got to be made a superintendent, and they raised the ante; these other superintendents, I never had any trouble with no captain; I never was assessed with no captain until Murphy came there, or no inspector or no superintendent; they were always kind; they only wanted the law abided; of course, I knew I was breaking the law every night trying to make a living; why, a man who puts a dry-goods box outside breaks the law, and he knows it himself without being told, and when he has tickets he says, "Take \$10 worth of tickets."

By Senator Robertson:

Q. This was when you kept in Houston street? A. Yes, sir.

By Mr. Goff:

Q. This \$50; was it a week? A. No; I will make this story mighty short; I gave a good many \$50 bills up to these people; several \$50, and they thought—Mr. Moran came to my cashier one night, and said, "The boss is doing more business than Koster & Bial," and naming several places in Fourteenth street; "and he don't put up as much as they do;" I had rheumatics at the time, and I was not in the best of humor; I was upstairs; the cashier said, "Let that man alone, and when he gets well he will do

everything that is all right; if you don't let him alone; I know how he feels toward you people, because you have been arresting his waiters, etc., and annoyed him, and business is not very good, and he will give you people trouble;" he snapped his fingers; he said, "What does that man's word amount to to me and the captain—Harry Hill, a sporting man; what does his word amount to?" when he came upstairs, he said, "You will have to get in line;" I felt pretty bad, and didn't have a great deal of money at that; he said, "You have to put up \$800 between this and a few days;" I said, "I have not got it;" then he said, "You have got to get in line;" I said, "What am I, a thief, to get in line with the rest?" fall in line, is the words he made use of; I said, "I am no thief, and I won't fall in line;" that is my first quarrel with them; then, they annoyed me, and years after—I can bring a clergyman when they tried to backcap me here in Ozone Park, and tried to keep me from making a living; then sent even to Boss McLaughlin and tried to backcap me, when I applied for a license in Brooklyn; the Boss said, "I know him too well; you can not backcap him;" I got my license.

Q. Didn't they try to backcap you when you went to Harlem Bridge? A. Yes; the captain was merely a tool, at police headquarters, when Murray was there; I met him at the foot of the stairs at headquarters; he said, "What are going to do now?" I said, "I will do as I darn please, but you have got to do as you are told; I am a free citizen."

Q. You tried to start a little place up at Harlem, did you not? A. Yes, sir; I did.

Q. Up near the bridge? A. I paid \$3,000 for it.

Q. Weren't you run out of that place by the police? A. Well, it wasn't their fault that I was not.

Q. But you couldn't get along there? A. I couldn't get along because they would send policemen; we had to watch every man that came in after a certain hour, on a Sunday, to see how big his feet were; if they were a certain size, he was barred out.

Q. As a matter of fact, at the time that you were trying to make a living in Harlem at that little place, were there not big liquor stores open all around? A. Yes, sir; and a gambling-house and poolroom right across the way.

Q. And there was a big bedhouse not far from there? A. Several, I believe.

Q. Pretty near the Third Avenue Railroad Depot there? A. Yes, sir; well, they used to let in ladies nights.

Q. Didn't you know, as matter of fact, that around there there were a number of bedhouses? A. Well, they called them that; I never slept there.

Q. But you knew by common reputation? A. Yes; if a friend asked for a night's lodging with his wife, I used to send him there, because I had no accommodation of that kind.

Q. Your place was small? A. No; quite large, on the water.

Q. It was only two stories high? A. Yes; I kept a restaurant.

Q. And a bar? A. Indeed, I did.

Q. When you were there, all these liquor-stores and these bed-houses were all around, and no trouble was made for them? A. Yes; and a free and easy just below me.

Q. Schwaab's place? A. Yes; I didn't want to mention his name, because he is a friend of mine.

Q. Don't you remember that there was one of the notorious Gombossy's opened a place up there about that time? A. I think I have heard the name, but I was not familiar with the gentleman.

Q. But you remember that he really opened a joint up there, as it is called? A. Yes, sir; they called mine a joint; they called mine a dive, when I was paying \$500; when I was paying the same as any other theater.

Q. That was in Houston street? A. Yes, sir.

Q. I want the Senators to understand when you went up there in Harlem you were not allowed to make a living? A. I was not.

Q. You were fairly hounded in that place? A. Yes, sir; and my waiters were arrested; my bartenders were arrested, when others were allowed to go at large.

Q. Did you ever apply here in New York for licenses for any other places where you were refused; you tried to get licenses, did you not, sometimes, for other places, a place called the Caricature? A. I got the license there; I paid \$17,000 for that place.

Q. Where was that place? A. In Broadway; a big eating house in Broadway.

Q. Did they interfere with you there? A. That I would not want to answer; it was a new captain, not Captain Murphy; a pretty good fellow.

Q. After your trouble with Captain Murphy, isn't it a fact that the police in this city hounded you wherever you went? A. Of course they did; they would hound me to-day if they had a chance; I am in Rockaway Beach now, and am along with good people, and good, law-abiding citizens, so, therefore they let me alone.

Q. When you refused to pay the \$800 that Moran asked you for, what next took place between yourself and the captain? A.

Well, I was getting pretty well blackmailed, as I suppose you pretty well understand; Charley Bacon was then the law partner of Governor Hill, and he is a personal friend of mine; and I know certain things he did in Albany that would put him very close to Mr. Murray, when Walling got legislated out of the office of superintendent.

Q. Superintendent Walling? A. Yes, sir; one of the squarest men that ever lived, too; I says to Charley Bacon—he and I were great friends; I says, “Charley, I am getting pretty well backcapped by these people; they are looking for money all the time, and they are looking for more than I can get;” and I says, “If it reaches the right people I am willing to put up, but I think I am getting beat, and it don’t land right.”

Q. That the money didn’t land right? A. Yes, sir; they told me it went around the corner.

Q. To headquarters? A. That is what they meant.

Q. You understood that when they said the money went around the corner, that it went around to headquarters? A. That is what I understood.

Q. You thought the money didn’t land? A. Yes; Mr. Murphy is very fond of the race-track, and I thought some of the money might stick to his fingers.

Q. After you spoke to Mr. Bacon, what did Mr. Bacon say? A. I said, “If you are not going to do anyone any injury, I ask you as a favor, I want to find if the money lands right, and it is all right; but if I am getting beat by these skins outside, and it don’t land right, I want to know it;” he said, “Of course;” I said, “If it is going to do anybody any injury, not as a squealer, but as a friend, you can find it out;” he said, “All right; I am so close to Mr. Murray that things will be all right;” he came back and reported that it was all right; a few days afterward Mr. Murray and Mr. Steers sent for me.

Q. Inspector Steers? A. Yes, sir.

Q. Steers is retired, too? A. Well, so am I; they played me as a hayseed, to tell the truth; Mr. Murray said, “Do you know I am superintendent;” I says, “Yes;” he said, “You know me for years;” he says, “You know me before I was a policeman and knew me when I went on the police; you knew me when I was a patrolman on your beat;” I said, “Yes;” “Ain’t I always been your friend; ain’t Mr. Steers been your friend; I have been your patrolman, I have been your captain, and I have been your inspector, and ain’t I always used you kind;” I said, “Yes;” “Now,” he said, “there are certain things going on in this ward, and I want to know how much money is collected;” I thought they were just feeling of me to make a sucker of me, and I said,

"I know nothing about it;" and the second time they sent for me he said, "Mr. Hill, if you don't tell the truth, if I have to put 10 men in citizen's clothes in your place, I will shut you up."

Q. Murray said that? A. Yes, sir; and, commonly speaking, I gave my guts away; after they got that, then they made use of it; they called me squealer, after pledging their word, as not only words, but as a big society I belonged to, as men; I said, "If you bring me into court I will deny it;" they brought me before the commissioners, and the commissioners said, "I know you are telling the truth; I know you are both lying."

By the Chairman:

Q. Can you compute all the amounts that you paid in that way? A. I could not.

Q. Was it hundreds of dollars or thousands of dollars, or what? A. It is quite a number of hundreds, I am sure; and when they struck me for a thousand a few weeks after that I could not stand that.

By Senator Bradley:

Q. How many thousand did they strike you for? A. I don't know.

By the Chairman:

Q. You say that a few weeks after that they struck you for a thousand dollars? A. Yes, sir.

Q. And then for \$800? A. Well, \$800 is enough without the thousand.

Q. Did they strike you for a thousand, besides? A. That was done a week or two before that.

Mr. Ransom.—Did he say that Murray struck him for \$800 or \$1,000?

The Chairman.—No; Moran.

Witness.—Mr. Murray told me that if I wanted to run along it would be all right, and all the other places would be shut up; I said, "They have to make a living, and why should I want them shut up;" they took a certain number of people from me that I didn't want.

By Mr. Goff:

Q Superintendent Murray and Inspector Steers told you that if you gave away everything they would take care of you? A. Yes, sir; and they stroked me down this way (indicating).

Q. And then you told them about the amount of money that you had paid? A. Yes, sir.

Q. And after that you were brought before the police commissioners? A. I was.

Q. And you had to tell the whole thing there? A. I did; yes, sir.

Q. Murphy was removed then, wasn't he? A. He was, the same night; and Moran resigned.

Q. Wasn't there something about buying the police book; hadn't you some little transaction about that? A. I hadn't much time to read it that time, and I bought two or three books.

Q. What were those books called — Our Police Protectors? A. No; I think they were called — I don't know what it was; it was a book, I think, Mr. Byrnes got up.

Q. The "Professional Criminals of America," wasn't that it? A. Yes, sir.

Q. And how much did you pay for the book? A. Oh, I don't know; whatever it was valued at; I was not overcharged; I think it was about \$5 a book.

Q. Did you buy more copies than one? A. I think I bought one for the country and one for New York; I bought two, I think; they were not forced on me at all; I done that of my own free will.

Q. You used to have sometimes sparring matches in your place, used you not? A. I did; yes, sir.

Q. Now, isn't it a fact that every time that you had those sparring matches, you had to pay something? A. No, sir.

Q. You were not asked to pay? A. No, sir; when Mr. Murphy came there he stopped them; I think the time you were in the district attorney's office you were up there one time to see one.

Q. To see one of your sparring matches? A. Yes, sir; I know most of them come there; Col. Fellows, and all of them; and it was a good one.

Q. Good sparring matches? A. Yes, sir; when Sullivan first came here.

Q. That was where he gave his first knock-out? A. Yes, sir; knocked out a good man.

Q. Steve Taylor? A. Yes, sir.

Q. He was known as Coroner Mahan, of Jersey City? A. Yes, sir; he was a coroner, too; he was an engineer by trade.

Q. Taylor is dead; is he not? A. No, sir; I don't think he is; his name is Mahan; I think he is tending bar in Boston, so I hear.

Q. Those were matinees; those sparring matches? A. Benefits; I used to give my room free to anybody that I thought was

worthy every Thursday afternoon, and what money they could pick up; I gave them the theater free; this afternoon Sullivan had quite a name, and came on from Boston, and got quite a big big house there; done pretty well; I put up a \$50 bill myself.

Q. That was his first appearance in New York city? A. Yes, sir.

Q. Could you tell the committee about how much money altogether you had to give up to the police? A. I couldn't say because I never kept account.

Q. You never kept an account? A. No, sir.

By the Chairman:

Q. You said in answer to the same question I put, that it was many hundreds of dollars? A. Oh, yes.

Q. Did it go into the thousands? A. I suppose it did; I never kept account, to tell you the truth.

Q. Your best recollection is that it was more than \$1,000? A. Oh, yes; more than that.

Q. More than \$2,000? A. Well, I couldn't say; I don't recollect.

Q. We are simply asking for your best recollections now, not for a positive fact, but your best recollection of it? A. Upon my word, I was making so much money I didn't keep account.

Q. You didn't care for an odd \$50 bill now and then? A. Indeed I didn't.

By Mr. Goff:

Q. They struck you for a thousand dollars shortly before you closed up? A. Eight hundred dollars, was the last.

Q. And two weeks before that for a thousand dollars? A. Yes, sir.

Q. Did you give up the thousand dollars at the time? A. I can not recollect; a different captain.

Q. Now, you feel that you don't want to say anything about captains that were your friends? A. No, sir; I wouldn't injure a man to save my life; because they were good people.

Q. I understand your feelings; but, without mentioning any names, now, isn't it a fact that outside of Captain Murphy, that you did give up money to other police captains, without mentioning the names? A. I can not say that I did; I might; I think I did though, once or twice.

Q. You think you did? A. I am not certain; that is very trifling.

Q. We all appreciate your feelings of friendship for your friends, and do not want you to violate those feelings; we only

want the general fact? A. Well, I don't recollect ever giving to any other captain; I had eight or 10 captains over me, and Murphy was the only personal friend; the only friend I had would strike me.

Q. He was the one that struck you hardest? A. He struck me hardest; the other captains all used me well; I kept an orderly house, and they respected it, and as long as I kept it that way, they said you can run it.

Q. How long was Murphy in that precinct? A. He was there two years; I know he was there two years longer than I wanted him.

Q. He, practically speaking, broke up your business there? A. He did the best he could; he broke me; I wish I had broke him before he broke me.

Q. Didn't the police commissioners order a trial? A. No; they didn't; I told them at the private examination; that is all there is about it.

Q. Wasn't Moran going to be put upon trial? A. He was.

Q. And then he resigned? A. Resigned.

Q. Sooner than go on trial? A. That is it, exactly.

Q. In connection with the way he had struck you? A. That is it, exactly.

Q. After you left Harlem bridge, was it then you went over to Brooklyn, and tried to get a license in Brooklyn? A. Went to Greenpoint, I think.

Q. And it was then they went to Boss McLaughlin? A. They tried to backcap me so that I couldn't get a license; they called me a squealer.

Q. You knew that it was the New York police influence that followed you? A. I did; yes, sir.

Q. And you were called a squealer, because you went before the commissioners, and told them what they asked you to tell? A. Yes; and pledged their words that it would not leave that office.

Q. You said something about belonging to some society; you and Murray belonging to some society; did you not? A. I don't know.

Q. And Steers? A. I think Steers belongs to the same society; it is a secret society that I don't want to name.

Q. The order of Elks? A. No, sir.

Q. Didn't you belong to that order? A. I didn't.

Q. Did you and Steers ever meet in the lodgerooms of any society? A. No; but I met Mr. Williams many times.

Q. You knew that Steers and Murray belonged to this society? A. I don't know whether he did or not, but Steers was a Mason.

Q. And you were another? A. I am.

Q. They pledged their words as Masons, Steers did; that, if you told them about it, nothing would come out? A. It should never leave their office, and should not be known only for their benefit, to know what is going on.

Q. What is the last money you ever paid to Captain Murphy; do you remember? A. I didn't pay him any money directly.

Q. Well, to Moran? A. I think it was \$50, or \$150; I don't know which it was; that is, \$50.

Q. Do you remember paying money one time in the presence of Billy Smith at Flushing? A. Yes, sir.

Q. You know Billy? A. I know Jim Smith.

Q. You know Jim? A. I do; he is a constable there.

Q. What? A. He is a deputy sheriff, a constable there.

Q. Deputy sheriff and constable in Queens county? A. Yes, sir.

Q. Do you remember one time you paid some money in his presence? A. I did; yes.

Q. To whom was that money paid? A. To Moran, and Captain Murphy stood outside on Broadway when he came in and got it.

Q. When Moran came in and got it? A. Yes, sir; in Billy Rogers' place.

Q. Not in your own place? A. No; right opposite.

By the Chairman:

Q. How much was that? A. Fifty dollars.

Q. Was there a regular tariff, payable monthly, such as \$50?

A. That is what they wanted to get me in to pay \$50 a month and put up \$800, or get out of the business.

Q. Put up \$800 besides? A. That is to begin with.

Q. That you were to put up \$800 as a sort of initiation fee? A. That is it.

Q. And then the monthly rate should be \$50? A. Yes, sir.

Q. And while you had paid \$50, from time to time, before you objected to making a regular contract? A. Yes, sir; I said I was not a thief; they said I would have to come in line; they said, "Koster & Bial and these people are putting up more money;" I said, "I don't want to put up any protection; if I meet a good friend, I am willing to give \$50 or \$100, but I will not fall in line."

Q. You didn't want it understood that you were going to make regular payments for protection? A. Not a bit.

By Mr. Goff:

Q. When you were struck for the \$800, did you put up that \$800? A. I didn't.

Q. That is the time you refused? A. That is by 800 majority.

Q. Do you remember when you applied for a license in Brooklyn; do you remember having a talk with Captain French? A. Yes,

Q. Do you remember having a conversation with him about your license in Brooklyn? A. I did, on the base ball grounds; I told him I had put in my application; I bought out the place, with the license with it from a man named Kane, and I paid so much, and I was there about six weeks, and the first thing I knew I got a notice from the station-house that that license was not in my name, and I would have to close up; I went around to the captain and said, "It has taken me pretty short; I have bought this place in good faith; he said, " Oh, you went back on the buttons," meaning—I said, "That is right, and I will go back on you, if you go back on me;" I suppose he meant the police; he said, "You can not get no license;" but I got it.

Q. When he said that you went back on the buttons, didn't he say about having seen a certain police captain or inspector here in New York about you? A. He didn't mention no names.

Q. Didn't he tell you that a police captain had been over to see him? A. He had been notified from New York that I went back on the buttons in New York; that is, meaning about that \$800 I didn't give.

Q. Didn't he tell you that a certain captain had told him that you couldn't help but keep a dive wherever you went? A. I didn't keep no dive.

Q. Didn't this captain say that he had been told that by Inspector Williams in New York; didn't he say that? A. No; but there was a clergyman showed a letter when I went to Ozone Park, where they got a letter from New York to backcap me from getting a license there; that is out in Jamaica; I have the clergyman's name now; he showed the letter where they backcapped me; I have been paying taxes in that county for over 40 years, school taxes and other taxes, and then they send on a letter to stop me from making a living, to show the feeling of those people.

Q. I ask you now, don't you remember that the excise commissioners in Brooklyn, when you asked for a license for a place in Greenpoint, don't you remember them telling you that they had received a communication from Inspector Williams against your getting the license? A. I think that was in Jamaica; at Ozone Park, as they call it.

Q. And the fact of it is, that wherever you have applied for a license, and tried to open a place of business around New York or Brooklyn, or the suburbs, you have been prevented by the New York police following you there? A. That is what they tell me.

Q. That is the reason they have been going against you? A. That is what my friends tell me; I have got a license now, in my own name, too.

Q. You have a license now? A. Yes, sir.

Q. That is in Rockaway Beach? A. Queens county; yes, sir; Rockaway Beach; if you ever come down I will give you a good dinner.

Mr. Goff.—I will take you at your word, and I will let you go to-day for that.

Mr. Ransom.—Mr. Hill, if you will include me in that invitation, I will only ask you about three questions.

Witness.—All right. You look like an old friend of mine, Steve French.

Mr. Ransom.—He is one of the handsomest men in New York?

Witness.—Yes, sir; and he plays a good game of short cards.

Mr. Ransom.—I am afraid the resemblance would fail there.

Cross-examination by Mr. Ransom

Q. I wanted to ask you about this payment of money to Moran when you said Murphy was on the outside waiting? A. Yes, sir.

Q. And some person you knew was present? A. He was along with me in the place.

Q. What was his name? A. Jim Smith.

Q. He was with you when you gave the money to Moran? A. That is, on that occasion.

Q. Do you remember when that was? A. Oh, about seven years ago; I have had so much to think of, I couldn't remember the day; I came here unexpectedly, and I was not prepared to tell this.

Q. I haven't the slightest idea that you can fix the date; I didn't expect you to do that; but can you give me the year and the month; can you remember that? A. No; I can tell you about the hour; I never got up until 1 o'clock; it was about 2.

Q. You think it was six or seven years ago? A. Yes, sir.

Q. Do you remember whether Sid Nicholls was commissioner at that time? A. I think he was.

Q. How long was it before Sid Nicholls died? A. I think he died the following year; I think so; I am not certain; I went to his funeral; I was sorry, too; I wish he was alive to-day.

Q. He was supposed by you to be a friend of Murphy, but it turned out that he was his friend? A. He was not his friend.

Q. And you believed in Murphy, and you believed that Nicholls might be mistaken? A. I thought so; I stuck to Murphy.

Q. You said Murphy was on the outside; I suppose you mean by that that he was in the street? A. Yes; following Moran up to see that Moran went in and struck me.

Q. That is your inference; you don't know that to be a fact?
A. No; but it was very suspicious.

Q. Was this demand made in your place in Houston street?
A. No, sir.

Q. Where? A. In Rogers'.

Q. Where was that? A. Right opposite the St. Nicholas; I forget the number.

Q. Opposite the St. Nicholas Hotel? A. Yes, sir; where it was.

Q. Was it a barroom? A. Yes, sir.

Q. Was this payment made in the front of this place or in the back part? A. No, sir; right back where I was sitting.

Q. You were sitting, drinking at a table? A. Yes, sir.

Q. With Smith? A. With Smith.

Q. Now, from where you were sitting, could you see Murphy out on the sidewalk waiting? A. I saw him come down; they followed me from Spring street down; they were right behind me.

Q. When you paid the money to Moran, Murphy was not in your sight, really? A. He was not.

Q. All you know about Murphy's presence, is that you had previously seen Murphy and Moran coming down the street together? A. Coming down the street together, right behind me.

Q. And then Moran came where you were to get money? A. Yes, sir.

Q. You gave it to him and went away? A. Yes, sir; and I looked around; I walked back of some champagne boxes, and I saw Murphy and him go off together.

Q. After you paid him and Moran went out of the place, you got up and followed him? A. I didn't, sir; I just merely walked to see —

Q. You looked to see where he went? A. No; out of curiosity I just looked around to see where he went.

Q. You saw Moran and Murphy go away together? A. Yes, sir.

Q. That is as near as you got the money to Murphy? A. Yes, sir.

Q. That was near enough for your purpose? A. Yes, sir.

Q. Is Murphy on the police now? A. I believe he is.

Q. When were you subpoenaed, at 3 o'clock this morning, did you say? A. Well, I don't know; I didn't get home until 2, and I think Mr. O'Connor served the subpoena on me about 3; he was waiting for me all night.

Q. I fancy from your testimony to-day that you have a very unpleasant feeling towards Murphy? A. Not very.

Q. You don't like him? A. No; he tried to kill me; when a man tries to starve another, he comes near trying to kill him; the man I thought was my friend, but he was not my friend.

Q. I understood you to say that Inspector Steers and Superintendent Murray came to you, and after some persuasion you told them all about the payment of money? A. No; they sent for me; they sent for me in their own room and pledged their word if I would tell them as a friend, not as a squealer, what I knew, because they said it was injuring them, rumors going around; there were certain collections going on; and at the time, of course, they asked me if I thought they got any of the money; I said, "You are very foolish if you don't, because you have got the name of it;" and all he used to tell me was that it went around the corner.

Q. You went over to headquarters and saw Inspector Steers and Superintendent Murray? A. I went there two or three days.

Q. You saw them there at this interview? A. Yes, sir.

Q. They inquired of you in regard to the stories that had been going around, about your paying money, protection money? A. And knowing other people to pay.

Q. They asked you about it, and you first off claimed you didn't know anything about it? A. Well, I told them I thought they were just trying to give me a little taffy, to get information, and I didn't want to tell them anything, because I didn't want to be considered a squealer.

Q. Finally, you told them about paying money to Moran? A. As a friend; they pledged their word as a friend.

Q. I don't think you were intending to be a squealer myself, from your statement? A. I didn't come here to squeal either.

Q. You told them about the money that you had paid to Moran? A. I did; yes.

Q. Is that all that you told them, about paying money? A. I think so; yes.

Q. And, subsequently, Mr. Moran resigned under charges and Murphy was transferred up among the goats? A. He was; yes; the same day.

Q. You believed then, and do now, I suppose, that the resignation of Moran resulted from your statement to them? A. I don't doubt but what it did.

Q. And that Murphy was transferred to Harlem or to the goats because of the statements you made to them? A. I think so; seems so; he was transferred that night; that is all I know; the other captains stood on the corner.

Q. I will ask you one more question; have you ever paid money yourself, or to your knowledge, has ever any money been paid on

your account to any other policeman than Moran? A. Not to my knowledge; I had a dozen captains, but he was the only one that struck me, to my knowledge; I don't recollect the rest.

By the Chairman:

Q. Why did you hesitate before when I asked you whether you had paid money to any other policeman; you said that you didn't know, and hesitated about your answer; now, you state positively that you did not? A. I say I don't recollect.

Q. Is your recollection any better now than it was before, when the question was put to you, or don't you recollect now, whether you did or not? A. Oh, I was in the habit of doing business with those people; in fact, we borrowed money from each other, and loaned money.

Q. Did you do it in that form; did you give policemen money in that form; have them borrow money from you? A. I don't recollect; I had them borrow money from me, and they paid me back, on several occasions.

Q. You said at that time that you were making money and that you didn't miss a \$50 bill, and from time to time you would give a \$50 bill up to the police; now, do you mean to restrict that general statement to Moran; that Moran was the only man to whom you gave those \$50 installments? A. That is the only man I recollect.

Q. But you gave suppers to the others, and wine? A. Well, I wouldn't say particularly; the same as New Year's came around; if we felt like giving a little present to a good officer in our precinct, we would make him a present, but voluntarily.

Q. They didn't strike you? A. Not a strike; if there was a good man on the beat, and the neighbors would get up a little as a present, we would make him a present; but not compulsion to do so.

Q. How often would you give these wine suppers? A. I didn't give any wine suppers particularly.

Q. Well, open wine? A. Just as often as they would come in.

Q. That was under all administrations, was it? A. Certainly, as friends.

Q. From the time you started? A. Yes, sir.

Q. If the police officials came into your place, you opened wine? A. Sometimes, and sometimes beer.

By Senator Bradley:

Q. Do you want us to understand that, from the time you opened your place first, until Captain Murphy came there, no

one ever came and asked you for any money for protection? A. None.

By Mr. Goff:

Q. You had given money to police before that; you had given it without being asked; isn't that it? A. I don't know what I done; I used to do lots of things; I can not recollect particular.

Q. Isn't it a fact that you did give money to warhnen and to captains before Murphy ever came in the precinct? A. That I couldn't swear.

Q. Will you swear that you didn't? A. I wouldn't swear that I didn't.

Q. Don't you remember at one time when there was a friend of yours on the police force, about to get promotion, that you put up a little money to help him get the promotion; don't you remember that? A. No; several people came to me and asked me to help promote them.

By the Chairman:

Q. Did you put any money up to have them promoted? A. No; I don't recollect of any.

By Mr. Goff:

Q. You found policemen pretty square fellows in paying their debts, did you not? A. Yes; as a general thing; about as good as anybody else.

Q. They always paid you what you loaned them, is that it? A. Yes; most of them.

Q. Some of them? A. Yes.

Q. There was some money that you loaned that you never got back? A. I got no particular one.

Q. But to a great number in fact? A. I know I made one a sergeant, and I bought him his clothes; he never paid me even for his clothes, but he aint there no more; he is dead.

Q. Doesn't it happen that many of the police officials are Masons like yourself, and you don't want to talk about them; isn't that the fact? A. Not particularly.

Q. Isn't that the real reason, after all? A. Well, I wouldn't say that.

Q. Will you say it is not the real reason? A. I couldn't say.

Q. Isn't it a fact that when certain men wanted promotions from roundsman to sergeant, that they went to you and got the money from you? A. Oh, I don't think so; they might put some money in my hand to do it, but I never gave them any.

Q. Put some money in your hand to do it? A. They tried to, but I wouldn't accept it.

Q. They tried to put money in your hand to use your influence to get them appointed? A. Yes, sir; many of them.

Q. Many of them? A. Yes, sir; they said, "It takes your time and your money to go and treat these people;" I said, "No; if I can do you a kindness, I don't need your money;" I didn't have to use any money, because the bosses of the police were my friends, and they would do me a kindness; they would do me a kindness without anyone; that is the time General Smith was there.

Q. Your son looked after the business there for quite a number of years? A. No; in Flushing, he did.

Q. Here in New York; didn't one of your sons, Richard? A. Yes; he was there quite a while.

Q. He looked after the business for you? A. Yes; in Broadway.

Q. Don't you know that he paid money? A. I do not; I don't think he did; it was not necessary to pay money.

Q. You knew all the time you were there that a man could not be made a captain on the force without putting up so much money? A. That is what they used to tell me; I don't know; I didn't see it put up.

Q. The policemen used to tell you that themselves? A. I don't know if it is the policeman told me particular.

Q. Were you ever asked to help to put up the sum of money for a man to be made a captain? A. I don't recollect being —

Q. You have a good memory now; will you swear that you were never requested to put up money for a man to be made a captain on the police force? A. Well, I wouldn't swear that I was asked; I don't recollect whether I was asked or not.

Q. Will you swear that you weren't asked to put up money? A. I don't recollect.

Q. Don't you think if you had been asked to do such a thing as that you would have remembered it? A. I think so.

Q. Now, after reflecting a moment, do you not come down to the recollection that you did put up money to help a man to be made a captain? A. It was not done in that kind of way; I might have put up money and not know what I was putting it up for; it was not done in that kind of way.

Q. Of course, there are a great many ways of choking a dog besides hanging him? A. Yes, sir.

Q. But you know that the money was put up at the time so that the man should be made a captain? A. I don't know as I did.

Q. But it was put up for some promotion? A. To help somebody along.

Q. How much did you put up? A. I don't know.

Q. But the man was promoted? A. As a general thing.

By the Chairman:

Q. Did this not occur more than once? A. I can not recollect anything about it?

Q. The making up of a pool? A. I don't know whether it was for that or not; I didn't say it was for that, for I don't know.

Q. You don't know that it was for that purpose, but you know the statement was made that it was for that purpose? A. It was told to me that it was done for a friend.

By Mr. Goff:

Q. It was a little pool put up, wasn't it? A. I don't know; I put up money to do that; I don't know what it was for.

By Mr. Ransom:

Q. Did any policeman ever give you any money for the purpose of bribing, buy you, the officials to promote him? A. How is that?

Q. Did any policeman ever give you any money and ask you to use the money to buy promotion for him, from his superior officers? A. Well, I don't recollect.

The Chairman.—Any further questions.

Mr. Goff.—That is all, sir.

Joseph Stein, witness called on behalf of the State, being duly sworn, testified as follows :

Direct examination by Mr. Goff:

Q. What is your business? A. I am not doing anything at present.

Q. When were you in business? A. I have been in the meat business, butcher business and restaurant on Third avenue.

Q. How long ago since you retired from business? A. A year ago last October.

Q. When you were in business, do you remember a man coming to you and telling you he was about to be appointed on the police force? A. Yes, sir.

Q. What was his name? A. Charles Delmedge.

Q. Was he appointed on the police force afterwards? A. He was.

Q. Do you know what precinct he is attached to now? A. Well, I am not certain; the last I heard of him he was at East One Hundredth street.

Q. Did this man ask you for any money? A. No, sir.

Q. Did he borrow any money from you? A. He got some money from me.

Q. Well, he told you that he wanted that money for appointment on the police force, did he not? A. His brother told me that.

Q. Where does his brother keep; do you know? A. He was in my employ.

Q. Do you know where he is now? A. Yes, sir.

Q. Where? A. He is at Fifty-third street, between Lexington and Third avenue.

Q. What business is he engaged in? A. In the meat business.

Q. Is he employed by some one? A. He has got a meat market; that is, he claims it is not his; it is in his wife's name.

Q. Did this brother of Delmedge tell you that his brother was about to be appointed on the police force, and he needed some money? A. I am not certain whether he was appointed or he was about to be appointed at the time.

Q. Did you have any talk with Charles Delmedge himself? A. He asked me to loan his brother the money, and he would give me his note, or at least, his brother's note, with his indorsement.

Q. Who asked you to do that; was it Charles? A. William.

By Mr. Ransom:

Q. May I inquire if Delmedge is now on the force?

Mr. Goff.—Yes.

By Mr. Goff:

Q. Did you get the note? A. Yes, sir.

Q. He gave you the note? A. William Delmedge gave me the note.

Q. Was he the maker of the note? A. He signed it; they both signed it; one name under the other.

Q. How much was the note for? A. Three hundred and twenty-five dollars.

Q. You gave that in cash? A. Yes, sir.

Q. You have a bank account? A. Yes, sir.

Q. Why did you not give it in check? A. I always had considerable money in my pockets, and I didn't give it to him at once; I gave part of it to Charles, and the other to William.

Q. How much did you give to Charles? A. About one-half, or a little more or less; I couldn't say positively.

Q. About \$100 to each? A. Yes, sir; because I didn't have the money in my pocket.

Q. When you gave the money to William you gave it to him for the purpose of giving to his brother? A. That is what I understood.

Q. That was the agreement? A. That was what I understood at the time, but they claimed that he didn't get it.

Q. Charles claimed that he didn't get it? A. Charles claims now that he didn't get it.

Q. But you did give Charles about one-half of the money? A. About one-half, or a little over; perhaps a little less; I can not say; about one-half.

Q. Have you been paid that money? A. No, sir; I didn't get a cent from either in cash; but there was some jewelry left by the mother of the two boys, who died since he has been appointed, and one of them grabbed this jewelry and gave it to me; he told me to sell it for him; I tried to sell it for him; but couldn't get the price for it, and he told me to return it to him; he wanted me to leave it in one of my safes, and I did; and then he said he wished I would sell it, and keep the money toward the payment of the note; I was offered \$150 for it; it was a cross, and I told him that was all I could get for it; he told me he would take \$175; I then told him I couldn't get it, and left the cross in my safe some time; finally, he told me to sell it for that party, if I could, for \$150, and keep the \$150; which I did.

Q. You have the note yet? A. I have the note yet.

Q. Will you submit that note to me, on behalf of this committee? A. I haven't it with me; I have it at home.

Q. Will you let us have it to-morrow? A. Yes, sir.

Q. If you please? A. Yes, sir.

Q. Send it to me? A. Yes, sir.

Q. And I will return it to you? A. Yes, sir.

Q. It is overdue, is it not? A. Yes, sir.

Q. Been protested for nonpayment? A. I didn't have it protested.

Q. Did you ever see Charles in uniform? A. Yes, sir.

Q. Talked to him about the money that you loaned him? A. He has been in the store; he told me several times he would come and see me, and give me something; his brother told me he would; I wrote to him, sent a lawyer after him, sued him, got judgment against both; they laughed at me; they pass by in the car and look in and grin at me; I am not a willing witness, as you know, and this is only the truth.

Mr. Goff.—I know you are not. I know we compelled you to come here. You may question, Mr. Ransom.

Mr. Ransom.—No questions, Mr. Stein.

Henry Nichols, called on behalf of the State as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What is your business? A. I deal in stocks and bonds.

Q. Your office is where? A. Thirty-eight Broad street.

Q. Did you, within a recent period, observe a policeman take money from a licensed vender? A. I did.

Q. Will you, please, in your own way, state what you saw; where were you first? A. I want to say that this is not of my seeking.

Q. No; you did not know that you were going to be called. A. I want to say that this is not of my seeking; I happened to be in the office of a gentleman with whom I was doing some business, a member of the Consolidated Exchange, at 42 Broadway, last November; and standing at a window looking out into New street, which is a narrow street, my attention was attracted by a policeman who seemed to be a stranger on the beat, for I have done business in that neighborhood for a good many years, and who seemed to be particularly well dressed; he came walking up the street, and stopped in a doorway just opposite where I was standing in a window; and stopping for a moment to look around, and taking out his watch and looking at it, he called to the nearest vender to him; the man stepped to the doorway with a bunch of fruit from his wagon; the policeman said something to him which seemed to annoy him very much, and he went back to his wagon and took out from under his parcels of fruit his pocketbook; at that point, I called the attention of a gentleman standing near me to it, and he stepped to the window with me, and we saw him take out of his pocketbook a bill and walk back to the doorway where the policeman was standing, and the officer then took his money in a very peculiar way; he put his hands behind his back—his hands were gloved with the usual white glove—and the man stepped behind him and put the money in his hand; he was turned enough sideways, though, that we could see him put the money into his hand, and then the man went back to his wagon, and the officer, taking out his watch again, which seemed to be a valuable one, a large watch, looked at it, and walked on up the street; I saw him further up the street stop and speak to another vender, but I couldn't see what the transaction was, between them.

Q. Did this vender have a pushcart? A. The ordinary pushcart.

Q. With bananas on it? A. Grapes, I think.

Q. And the first thing the vender did was to offer the policeman some grapes? A. The first thing he did was to take a bunch of grapes from his wagon, and take them to the doorway where the man was standing, back in the doorway.

Q. Do you mean to say that the officer rejected the grapes? A. He rejected them, and he carried it back to his wagon and took out his pocketbook, which was apparently hid under his fruit, in one corner of his cart.

Q. Do I understand that the money was slipped in under the glove? A. No; the money was put in the hand; he held his hands like this, standing partly turned, but so that we could see him from the window where we stood looking down upon him; see him put the money into his hand.

Cross-examination by Mr. Ransom:

Q. Where do you live? A. No. 442 Henry street, Brooklyn.

Q. How long have you resided there? A. Since last January, the 1st of January.

Q. What is your firm? A. I do business by myself.

Q. Where is your office? A. No. 38 Broad street.

Q. You have been in business there some years? A. I have been for five years at 60 Broadway, in the Consolidated Exchange building; previous to that, I was manager of a branch of Henry Clews & Co. for several years in the Tract House.

Q. This policeman, as I understand, was a stranger to you? A. Stranger to me.

Q. You noticed that he was a new man? A. First, I noticed that he was a particularly well-dressed man; the average policeman is not a man with a new suit of clothes on, usually.

Q. When you say well dressed, you mean his uniform looked new? A. His uniform looked new.

Q. Because the police are all dressed alike; you mean that this uniform had a new appearance, fine appearance? A. Men are not all dressed alike by any means; you, in a new suit of clothes, would look very different from what you look in that suit; men are not dressed alike.

Q. Thank you, very much; you really misunderstand me, do you? A. No, sir; I do not.

Q. Are you pretending to misunderstand me? A. I am not pretending to misunderstand you, and I do not misunderstand you.

Q. It seems to me that you are? A. It does not seem so to me; I do not misunderstand you.

Q. I will ask you again if this officer was a stranger to you? A. The officer was a stranger to me.

Q. Were you acquainted with the officer who had preceded him on the beat? A. I am not acquainted, only by having seen the officer pass to and fro on the street.

Q. Are you acquainted with the name of a single officer who has been on duty on that beat since you have been there in business? A. I am not.

Q. Then when you testified that this was a new man on the beat, it was because his uniform appeared to be newer to you than any other uniform you had seen? A. And because his face appeared to be a strange one to me; I have seen him since.

Q. Do you know his name? A. I do not.

Q. Did you inquire? A. I did not.

Q. Did you take his number? A. I did not.

Q. Did you think about taking his number? A. I did not.

Q. How far away from this officer were you when you saw this incident? A. I was across the street.

Q. In another office? A. In another office.

Q. Was the office above? A. The office was above.

Q. What is the name of the man who was with you? A. Mr. Beyers, the man whom I called to the window.

Q. Is that his office now? A. It was not his office then; he was a customer of the gentleman in whose office I was.

Q. Where does he live? A. I don't know where he lives.

Q. Do you know where his place of business is? A. I don't know that he has a place of business; I know that he is a man, well —

Q. Do you know his full name? A. I don't know his full name.

Q. Did you see the denomination of this bill? A. I did not.

Q. You are willing to swear that it was a bank note? A. Yes, sir.

Q. Or a greenback? A. Yes; in appearance it was a bank note, taken from a pocketbook.

Q. And the pocketbook was kept, you say, by the vender under the fruit? A. Under the fruit, in the corner of his pushcart.

Q. Are you able to describe the pocketbook? A. It seemed to be an ordinary pocketbook, with a clasp, rather something that he opened on the top; I can not describe it any more closely than that.

Q. Did you notice whether he had any more money in that pocketbook than this particular bill? A. I did not.

Q. Did you notice whether he had anything in the pocketbook except bank notes or currency? A. No.

Q. Are you willing to swear that he had any currency in the pocketbook except this bill? A. I am not.

Q. Will you explain how it is that you remember so distinctly and accurately the appearance of the money that was

put in his hand? A. I don't remember the appearance of the money, except it presented the ordinary appearance that a bill presents.

Q. Will you swear that there was no other money in the pocketbook? A. No.

Q. Will you swear that there was any other money in the pocketbook? A. No.

Q. Did you say to Mr. Moss that this vender had his fruit in a pushcart? A. Yes, sir.

Q. Is that so? A. He had his fruit on a pushcart.

Q. Not in it, but on it; you make a distinction, do you, between in and on? A. I make a distinction, because it is a flat surface.

Q. Do you also say that when he went for the money he went back to his wagon and got the money? A. Yes; to his cart.

Q. You said his wagon? A. You may call it just as you choose; we understand perfectly well what it is.

Q. I want to get your testimony; did you say he went back to his wagon? A. I may have said so, but if I said so, I meant that he went back to the ordinary vender's pushcart.

Q. Now, is there any other discrepancy or correction in your testimony that you would like to explain? A. Not that I am aware of.

By Mr. Moss:

Q. Where have you seen that police officer since? A. I saw him one day last week on the same street.

Q. That is in the First precinct, is it not? A. That I could not say; I know it is on New street.

Q. You are not particularly posted in police affairs? A. I am not at all interested.

Q. And have no interest? A. No interest whatever.

Q. And had no expectation of being called as a witness? A. No.

Q. You unfortunately communicated this statement to a mutual friend; to a gentleman that you know, and that I know? A. Yes, sir.

Q. And you supposed that it came to me in that way? A. Yes, sir.

Mr. Moss.—Mr. Ransom seems to be lacking with acquaintance with the gentlemen in this city. It is hardly necessary to ask the question, but I will ask it.

Q. Are you not a man who has had some considerable prominence in the city of New York in connection with financial matters, conventions, and various economic questions? A. Well, I

have lectured a good deal upon economic questions, and taken part in a good many independent organizations.

Mr. Moss.—I presume that most of us are acquainted with Mr. Henry Nichols, but Mr. Ransom didn't seem to know him.

The Chairman.—Have you any further testimony to-day, Mr. Goff?

Mr. Goff.—That is all to-day.

The Chairman.—Then we stand adjourned until half-past 10 o'clock to-morrow morning. All witnesses present in the room who have been subpoenaed for to-day will appear here to-morrow morning at half-past 10 o'clock, sharp.

. Proceedings of the thirtieth meeting of the committee, held in the Superior Court, in the county courthouse, in the city of New York, Thursday, June 21, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Daniel Bradley, George W. Robertson, Cuthbert W. Pound and Jacob A. Cantor; John W. Goff, W. Travers Jerome and Frank Moss, of counsel for the committee; Rastus S. Ransom, counsel for the police board.

Joseph Stein, recalled, testified as follows:

Direct examination by Mr. Goff:

Q. Mr. Stein, is this the note of which you testified yesterday, given to Lamar? A. Yes, sir.

Q. It appears on the face of this note there are figures in the corner \$325, and only \$300 in the body of the note; do you know anything about that? A. I made out the note myself; then it was a mistake on my part, and never discovered it until I had taken it out of the safe after it became due and opened it, and I showed it to my lawyer at the time I brought suit, and told him it was best to leave it as it is, although I could have changed it if I had a mind to.

Mr. Goff.—We offer the note in evidence.

(Note marked "Exhibit 1—June 21, 1894.")

By Chairman Lexow:

Q. You got judgment on that note? A. Yes, sir.

Q. You got judgment for \$325 and cost, or \$300 and cost? A. I got judgment for \$175 and cost.

Mr. Goff.—He got \$150 for the sale of that diamond cross, you know. He realized \$350 on the jewelry they gave him.

Frank E. Earle, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your name, sir? A. Frank E. Earle.

Q. And what is your business? A. General freight agent of the People's Line.

Q. That is a steamboat? A. The steamboat line of steamers.

Q. And that is the line of steamboats running between Albany and Troy? A. Yes, sir; Albany, not Troy.

Q. Well, you have to do for that line for the payment of money for help, have you? A. Yes, sir.

Q. You employed many men there? A. All the way from 50 to 100, as the freight warrants it, you know.

Q. At the dock? A. Yes, sir.

By Chairman Lexow:

Q. Twenty-second street dock? A. No; Canal street dock.

Q. Have you any connection with the police there? A. Only by having one on our pier; we have an officer on the pier.

Q. What is his name? A. I think the one there now is Richard Burke.

Q. Have you more than one officer there at a time? A. No, sir.

Q. Have you paid the officer anything for his services? A. No, sir.

Q. Does the company pay him anything for his services? A. No, sir.

Q. Did you give him any consideration at all for his services? A. Well, we — no, sir — no, sir.

Q. Why did you hesitate? A. Well, it is a question what you mean by his services; the services he renders us, or the police duty he performs there.

Q. Does he render you service? A. Yes; he does.

Q. What service does he render you? A. During the noon-day, the officer is generally on the pier to render us service; he sometimes remains there until 6 or 7 or 9 or 10 o'clock at night, as we may require him; his time, I understand, is through about 6 o'clock at night.

Q. So he remains around after his duty expires? A. Yes, sir.

Q. Looking after your interest? A. Yes, sir.

By Chairman Lexow:

Q. In uniform? A. Yes, sir.

By Mr. Goff:

Q. What interests are they he protects? A. Keeping the trucks in line and the dock clear, so we can do our business, and also that, I suppose, is for the public interest and for the benefit of the draymen who are taking goods from our pier; they keep the pier free from getting blocked up, and in that way they help us and also help the truckmen.

Q. Does the dock belong to you, or have you leased it? A. Yes, sir.

Q. And you are responsible for all that takes place on that dock? A. Yes, sir.

Q. And it is your duty to see that the carterers who go there have access to your freight delivery? A. Yes, sir.

Q. It is your duty, Mr. Earle, to see shippers who do business with your line get their freight on and off your boats as rapidly as possible? A. Yes, sir.

Q. That is your business—the company's business? A. Yes, sir.

Q. That has nothing to do with police business? A. They are there for some purpose; I do not know what they are there for.

Q. They are there to look after the interest of the company; isn't that the fact? A. I can not say that positively; the interest of the company, as well as the draymen; the policeman is generally located around the gate; if we want to, we can put up our chain and not let them in our dock at all; if there was no policeman there; there being a policeman there, they are around the gate to prevent street cars getting blocked; if there was no policeman there, the trucks would gather around and get blocked up, the street as well as the dock.

Q. When the officer stays there after 6 o'clock in the evening and until a late hour, he is not regulating street cars? A. Yes; regulating the trucks so they won't block the street cars.

Q. I asked you if he was there after 6 o'clock in the evening; he is not out on the street, on West street, regulating street cars? A. Yes, sir; he is.

Q. At that hour of the night? A. Yes, sir; if he is there until 11 o'clock, he is out on the street, regulating trucks, so they won't block the street cars, as well as to have them go on our piers in proper shape.

Q. Then, we have it that he was regulating trucks and not the street cars? A. Yes; regulating trucks, so they won't block the street cars.

Q. The trucks that come on your pier, so as to get the freight? A. Yes, sir.

Q. Doesn't he stay there all the time? A. If they are doing any business; the most of the time he is outside of the gate, so he can regulate the line that forms; if he is not outside the gate, the trucks will drive up very promiscuously and block the street.

By Chairman Lexow:

Q. The fact is that the policeman is outside regulating that part of the traffic and then there is a policeman inside to regulate the traffic there? A. We have only one.

Q. Is the major portion of the time spent on that dock? A. At the gate.

Q. Inside the line of that private property? A. They are right at the gate; very seldom you find them down in the middle of the dock, unless we go and say "We want you to go down, officer, on the dock."

By Mr. Goff:

Q. At whose request does the officer stay after the time his duty ceases? A. At my request, generally.

Q. Do you give him any present or anything in consideration of his staying? A. No, sir; the only thing we give the police officer on our pier is his dinner.

Q. How many passes do you give? A. Well, if the police officer should come to me and state he was going to take a trip to Albany with his family, if he had one, we would give him a pass; if he came and asked for a pass for his friends, he would not get one.

Q. Have you issued any passes to the police captain? A. No, sir.

Q. Or to any persons for him in any person's name? A. No, sir.

Q. Will you swear that you have not issued any passes in any manner, shape or form that you knew, or was given to understand, was to be used by the police captain? A. Positively I have never issued any.

Q. Or any one of your company? A. That I can not say.

Q. Who had the issuance of passes? A. Mr. Everett, our president.

Q. And you, also? A. Yes, sir.

Q. And any other officials? A. He is the only one; he and I.

Q. If this policeman, you say, wanted a pass you would give it to him, and you have given it to him? A. Yes, sir; any policeman on the river front that comes and asks for a pass will get it.

By Chairman Lexow:

Q. Is there no money consideration paid? A. No, sir.

Q. You mean to say this man remains from 6 to 9 in the evening, without any money consideration at all? A. Yes; I have had them there as late as 11 o'clock.

Q. And the dinner time, besides? A. Yes; the object of giving him his dinner is to keep him around there between 12 and 1.

Q. Do you think that is any compensation for a man, simply a dinner for working, covering between three and four hours?

(No answer.)

Q. If you regard him as your employe during the times not covered by his services, do you think you are compensating him by giving him a dinner? A. We do not give it to him in that way, as compensation, you know; the dinner, we say, is given to almost anybody that is engaged in the line business around the pier.

Q. Does he do this year in and out? A. Yes; we run about nine months out of 12, and about every season we have a different officer, and the officers there, if we have a late boat, it is going to keep us very late at night, I will go to the officer and say, "Stay around here until we get the line ship up;" if he says "No," that settles it, but as a general thing he has always been very kind and helped me out.

Q. Is it a fact your company secured special appointment of a policeman on your dock? A. No, sir.

Q. You didn't make application to have special men appointed on your dock? A. No, sir.

Q. And notwithstanding all these circumstances, you didn't pay them a dollar? A. We didn't pay them a dollar.

Q. Or anybody else connected with the police department? A. Or anybody else.

By Mr. Goff:

Q. Is there any money on your pay-roll that has a dummy on it? A. No, sir.

Q. You swear to that positively? A. Yes, sir.

Q. No man on the pay-roll receives wages without performing work? A. Yes.

Q. That you swear there is no dummy name representing a policeman? A. Positively; the pay-rolls pass through our stevedore on the dock; he makes them out Saturdays, and they come to my office for my approval and every man has got to present

them at the paymaster's window to receive his pay; there are no dummies; that is, as far as I know; if we should catch our stevedore pay any dummies, why —

Q. Your boat leaves 6 o'clock in the evening? A. Yes, sir.

Q. The dock is closed then, isn't it? A. Well, no; the gates remain open, perhaps, an hour or two after that.

Q. What for? A. For to let trucks in; we receive freight, you know, up to all hours.

Q. Have you ever had complaints from the truckmen as to the partiality of the policeman on duty? A. No, sir.

Q. Are you clear about that? A. I am positive about that; there are lines that have trouble, but with our line we make no exceptions at all; some lines, they will allow certain grades of freight to run in ahead of others, but with our line — you come up any day and see how our line is; if we allow one man to get in before another, naturally, the other man would complain about that; we have got to be particular about that, no matter how large the house is doing business; sometimes they come and say they have a cartload of freight to ship and don't want to take that line; if we should allow them to run the freight in, and not take the line, it would cause trouble among the shippers.

Q. The police officers detailed there generally remain on duty for a considerable time, don't they? A. Months at a time; the officers generally remain there during the season with us.

Q. Don't you know it is considered quite a good place for a police officer to get detailed to your dock? A. Well, not our dock in particular; I suppose the piers of every sort are good.

Q. Don't you know requests have been made to you, or the officers of the company, to use influence in behalf of a particular policeman? A. No, sir; not at all.

Q. Have you ever been requested, or any one of the company, to your knowledge? A. No, sir.

Q. Do you mean to say you are wholly indifferent as to what officer is detailed there? A. We do not care a particle who they send; of course, if he is a man that is no good, and can not regulate the trucks, etc., we naturally make a complaint about him, but that rarely occurs.

Q. So you regard the police officer as specially detailed to your company, don't you; isn't that the fact? A. I don't regard it in that way.

Q. If you don't regard it in that way, what right have you to make a complaint to the police, if he is not an efficient officer? A. The officer is sent there to regulate this line, and I think I have a right to make a complaint about him if he is not running these trucks right.

Q. But, if you make a complaint, you make a complaint as representative of this company? A. Of this company; as a representative of the company.

Q. Simply that he does not give proper service to the company? A. Yes, sir; you may put it that way.

James D'Olier, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your name, sir? A. James D'Olier.

Q. What is your business, Mr. D'Olier? A. Clerk in the White Star office.

Q. Did you occupy any particular clerical position as distinguished from other clerks there? A. The agent's secretary, and the treasurer's secretary.

Q. The agent's and treasurer's secretary? A. Yes, sir.

Q. That is, Mr. Maitland Kersey, the agent of the White Star Line? A. Yes, sir.

Q. Have you got policemen specially detailed to look after the interest of the company on your dock? A. Yes, sir; always some men down there; some policemen.

Q. How many policemen? A. Well, we have three docks, 38, 44 and 45; we have a policeman at 38 and one at 45.

Q. Then you have two policemen? A. Yes, sir.

Q. Those officers done part of the business of the company, didn't they? A. Yes, sir.

Q. They belonged to the steamboat squad, did they? A. Yes.

Q. What is the nature of their duties? A. Well, to keep cartmen in line outside of the dock, so there is free arrival on the sailing of a steamer, to see to the storage and passengers, to protect them on the arrival of the steamers.

Q. The arrival of the steamers; did they devote more time than their usual hours of duty? A. Yes; on 45, where our passenger steamers land and sail from.

Q. They stay late hours there, do they? A. Yes; and early sailings; they stay late up at nights.

Q. Do you know if the company of which you are secretary—secretary of the agent—paid these officers anything for their services? A. Yes; they did.

Q. What are the officers' names? A. Of 45, O'Neill, and 38, Bradshaw; I am pretty positive of that.

Mr. Goff.—Is Officer Bradshaw in court? Just stand there.

Q. Is that he? A. I could not identify the man from 38; I know only the one on 45.

Q. You do not know Bradshaw? A. No, sir.

Q. But you recognized their names? A. Yes, sir.

Q. How are they paid? A. Paid every week.

Q. How much; the officer on 38? A. And 45, \$10.

Q. Does that go on the book of the company? A. Well, it is entered on the books as extra watching.

Q. How long has that continued? A. Ten dollars has been ever since the line has been running, about 25 years, and \$5 since we have taken pier 38, which was in February, 1893.

Q. Do you know if the company pays any other consideration in any manner, shape or form? A. No, sir; I do not.

Q. To the police officer or officers? A. No, sir.

Q. Ever any requests made to you for passes? A. None.

Q. Who has the issuing of passes? A. Mr. Kersey.

Q. Mr. Kersey, himself? A. The agent; yes, sir.

Q. Do you know of Mr. Kersey issuing any passes to police officers? A. I can almost say he never has.

Q. When you mention the amount, are you positive about the amount? A. Yes, sir.

Q. When do you look at the books? A. I see the vouchers when they come down from the dock, every week.

Q. From the dock? A. Yes, sir.

Q. Are these vouchers signed by the policemen? A. No, sir; they are not.

Q. How are they signed? A. They are not signed at all; they are just initialed by the superintendent at the dock.

Q. Initialed? A. Yes, sir.

Q. You know what that is for, of course? A. Yes, sir.

Q. Through whose hands does the money go? A. The superintendent of the dock.

Q. What is his name? A. J. J. Pennal.

Q. Have you ever been given to understand that this money goes into the pocket of the particular policeman who gets it? A. Yes, sir; as far as we know it goes to the policeman; that is all we know about it.

Q. Can you tell us how the fare or the rate was fixed? A. I can not; it has been \$10 ever since the line has been running, 25 years, and was never changed.

Q. The policemen have changed, of course, within that time? A. Yes, sir.

Q. Do you know anything about how those officers get detailed to the docks? A. I do not; no, sir.

Q. Has there ever been any requests made to you or to the officers of the company, to your knowledge? A. Not that I know of.

Q. Of interfering with it? A. No, sir.

Q. Had you ever had occasion to complain to the officers of inefficiency? A. No, sir.

Q. Are meals furnished to the officers? A. No; they are not.

Q. Are they allowed to go on board ships sometimes? A. No; I think not; I do not think they are.

Q. Stewards get their dinners or suppers? A. No dinners are furnished on board the ship.

Q. I ask you now, isn't it a fact that very frequently the officers go on board ship to get their meals? A. Not that I know of.

Chairman Lexow.—I do not think I would follow that line. I think it minimizes the strength of the other testimony.

Mr. Goff.—Of course, Mr. D'Olier will not know about that.

The Witness.—I know none of the officers employed by the company — the upper steward or any of the men — get their meals now. They used to get meals, but the company has stopped it.

Chairman Lexow.—I don't think the committee would consider that a very heinous offense.

Mr. Goff.—Nor would the counsel consider it a heinous offense if the officer did get his food.

By Senator O'Connor:

Q. Did the officers that make extra time there — did they put any extra time there? A. Yes, sir; they did.

Q. They performed more services than required by the department? A. Yes, sir; they did.

Q. And did they make a payment of this money in exaction of the performance of duty? A. No; the regular men got that every week.

Q. And got that with a view of compensating them for the work they have done there? A. Yes, sir; for favors they did; they are there at early sailings; the officers generally go back and spend another evening there.

Q. If the officers did not spend the extra time there, you would have to employ someone to do that. would you? A. No; I do not say so.

Q. You simply pay him, because he is a police officer; is that the fact? A. Well, yes; I suppose it is.

Q. Because you have got other watchmen? A. We have other watchmen; yes, sir.

Q. Plenty of them? A. Yes, sir.

Q. You pay this money to these men, because they are uniformed and are policemen? A. Yes, sir.

Robert P. Reilly, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your name, sir? A. Robert P. Reilly.

Q. What position do you occupy? A. I am superintendent on a steamship line.

Q. What is the steamship line? A. The Spanish Trans-Atlantic Steamship Company.

Q. Where is the pier? A. Pier 8, East river.

Q. Have you an officer specially detailed on your line? A. Not especially detailed to us; he is down to pier 8; from pier 10 to pier 8.

Q. What officer is there on post? A. William Connolly.

Q. Does that officer receive from your company any consideration for his services? A. Yes, sir; for extra services.

Q. What do you denominate extra services? A. Well, the man on the arrival or departure of steamers, during his dinner at 12 o'clock, and sometimes after 6 o'clock, he remains there to give us some assistance and to protect passengers; and other times when we are very busy and rushed with trucks, that he is there, he remains there to protect the public interest and to keep order amongst the trucks, because when we have not got the presence of an officer there is always a breach of the peace committed.

Q. The company's interests are the things that you are interested in more than the public interest? A. Not especially; no, sir.

Q. You are an officer of the company? A. Undoubtedly.

Q. And, of course, you look after the interests of your employers? A. Yes, sir.

Q. That is right; how are those officers paid, Mr. Reilly? A. Well, we allow him a consideration to get his dinner in the neighborhood, a small consideration, instead of his going to his home.

Q. What is the consideration? A. Well, it is about 75 cents a day.

Q. You pay that to him? A. We pay that to him; not daily; we pay it to him monthly.

Q. You pay it to him monthly? A. Yes, sir.

Q. Any other money that you pay? A. No, sir; no more.

Q. That has been the custom all the time there, Mr. Reilly? A. Well, it has been the custom for a short time; that is all.

Q. How short? A. About three years.

Q. How was it instituted? A. Well, we built that time a new pier, and then I asked for the services of an officer; they would

not pay but little attention; we were without an officer for some time.

Q. Who did you ask for the services of an officer? A. It was one of the captains there.

Q. Who was the captain? A. I think it was Captain Schmittberger.

Q. You are well posted in police duties yourself? A. Pretty well.

Q. You have been a policeman yourself? A. Yes, sir.

Q. And you understood how to go in when you wanted it? A. I merely sent a letter, that is all; I didn't go down to see anybody personally.

Peter Lawrence McLaren, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your name? A. Peter Lawrence McLaren.

Q. What is your occupation? A. I have charge of the steamship department of Carter, Macy & Co.

Q. What dock? A. We have no particular dock; the steamers that are sent to us discharge in the East river in a tea district.

Q. In the tea district? A. That is known as the tea district.

Q. Have you anything to do with the police in connection with your business? A. We have nothing to do, particularly, with them; the police officer is at the dock, and he is of very valuable assistance to us.

Q. And you pay him for the valuable assistance? A. Yes, sir.

Q. How much do you pay him? A. Well, we make it a rule, if everything goes satisfactory with our steamers, that we give \$10; the steamer generally takes and discharges at the docks; takes from 10 to 15 days, and that is only given as a gratuity toward his lunch or so he may remain, and gives special attention to our steamers, because the cargo is of special value, and besides that policeman, we have other men hired especially to see that nothing is stolen from the dock.

Q. Now, don't you pay more than \$10? A. No, sir.

Q. Is that the highest sum you have ever paid? A. Yes; the highest sum we have ever paid; we may have paid less than that if everything did not go satisfactory, but there may have been cases where we did not pay anything at all, provided everything did not go satisfactory.

Q. Have there been cases where captains of your ships have had to pay? A. I know of no such cases.

Q. Didn't you ever hear of such a case? A. There may have been a case.

Q. Don't you know that your ships are subjected to assessments, if I may call that so, from various officers? A. That may be.

Mr. Ransom.—I object to that answer.

Q. Don't you know it? A. I am prepared to answer any question you ask, but when you make a question general I do not know how to answer.

Senator O'Connor takes the chair.

Q. I ask you now, don't you know that ships consigned to you have to pay the officers money for the privileges extended to them? A. To whom?

Q. Any official; any? A. I am quite prepared to answer any question you may ask, so I may know what —

Q. Commence with this one; answer this?

Senator O'Connor.—Answer the question, witness. That is a very simple question. That can be easily answered. Do you know whether any of the ships or captains are obliged to pay any city officials? A. Captains are not obliged to pay anything; anything that is paid is paid by the agents.

By Mr. Goff:

Q. The agents pay for the ships? A. Yes; they do.

Q. Who do they pay? A. I ask for information from the honorable gentlemen here; I have no desire that we ought to spread broadcast any information unnecessarily, but if you tell me that I have to answer that question, of course I will answer it.

Chairman O'Connor.—You will have to answer the question. What is the police officer?

A. That is what I say; we paid nothing to police officers, except what I have told you.

Q. Then you draw the line at the police officers? A. I beg your pardon.

Q. You draw the line at other officials? A. We do not draw the line from anybody, that we know; their assistance is of value to us.

Q. But don't the police officials or persons acting with them all act in concert together; isn't it a part of the system? A. Not that I know of, sir.

Q. Will you say that your ships or your company has not to pay the dock masters for privileges extended?

Mr. Ransom.—I object. The dock department is not being investigated.

By Mr. Goff:

Q. Let us see; it is a part of the system; give me the names of the officials who have to do with this disembarkation or delivery of freight from your ships; give me the names of the various officers?

Mr. Ransom.—If they are police officials I have no objections. I suppose counsel means police officers.

Mr. Goff.—We will try to get at that.

The Witness.—I can not give you any names of the police officials.

Mr. Ransom.—I simply suggest that the names of officials, unless counsel says they are police officials, ought not to be given.

Chairman O'Connor.—What harm is there?

Mr. Ransom.—Because they are not under investigation.

Chairman O'Connor.—It did not necessarily appear; it may lead to something else; we are not investigating this.

Senator Bradley.—It may be a collusion as what Mr. Goff wants to get.

Q. Will you please answer the question? A. I beg your pardon; I have forgotten the question.

Q. What are the names of the officials? A. I can not give you the names of the police officials.

Q. Give us the names of the offices they hold? A. I do not know that any one specially has charge—has anything to do with the freight; we attend to that; we appoint all these men handling the freight; all we have to do is to deliver them safe on the walk, after which it is at the risk of the consignee.

By Mr. Goff:

Q. Well, let's see; isn't it a fact, and will you swear it is not a fact, that from the time a ship consigned to you comes into port you have to pay blackmail for every stage of its disembarkment and delivery of freight? A. No, sir; I don't think we pay one cent of blackmail.

Q. Do you draw a line of distinction of paying blackmail and giving officials money? A. Yes, sir; I look upon it—

Q. Never mind; you have answered my question; now, I will substitute for the word blackmail—I will put my proposed question; is it not a fact that from the time your ship comes into port that every step that is taken you have to pay money to some official or officials? A. We pay money.

Q. You don't call it blackmail? A. No, sir.

Mr. Goff.—I do. That is the difference.

By Senator O'Connor:

Q. Different from the authorized fees they may lawfully exact?

A. Yes.

By Mr. Goff:

Q. Different from the authorized fee; I do not include in that the hospital money or the pilot money; you understand me? A. Certainly.

Q. But money in addition to what the law calls for at the port; that is what you mean to say? A. Yes, sir.

By Senator O'Connor:

Q. What is it paid for?

By Mr. Goff:

Q. Who did you pay fees? A. The police officials, sir.

Q. Who did you pay fees; don't put so many questions to me; I am here as a battering ram, but I don't want to be battered with too many questions; where did you commence to pay fees? A. I don't know, really, who we pay first; we never pay anything to anyone until our vessel is thoroughly discharged, and until everything has gone fairly satisfactory; if you prove I am to answer your question in full, of course, I answer it.

Q. How long has that state of things continued? A. I don't know when it began.

Q. It was there when you went there? A. It was there when I came there.

Q. And you have followed the custom established? A. I have followed the custom established.

Q. By the way, you mentioned an officer's name — Bradshaw, or something? A. No, sir; I did not; I did not mention any officer's name: while I know the policemen that are at the docks at which our vessels are discharged by appearance, I do not know their names.

By Senator Bradley:

Q. You don't know any of the officers' names? A. No; none of the police officers I don't.

Senator O'Connor.— Our authority is to inquire into why this police department does not enforce the ordinances of the city; that is one of the charges made, and, of course, the enforcement of the law is just as much a subject of inquiry by us as to find out whether or not they permit others to commit offenses with-

out taking steps to prosecute them. I do not see why it should not be inquired into who they paid, no matter what position they hold. I say it is the duty of the police department to enforce that as violation of law.

Mr. Ransom.—That I agree to, but may I make this observation: Should not the committee, through their counsel, before asking for the names, connect the police department with some dereliction of duty in that regard?

Senator O'Connor.—The point about it is here: I think if any city official here, I don't care who it is, if it is the mayor of the city of New York, exacts a tribute from any legitimate business, it is the duty of the police department to suppress it.

Mr. Ransom.—So do I. Shouldn't they first ascertain whether the police department is derelict in their duty?

Senator O'Connor.—That is what we are trying to ascertain.

Mr. Ransom.—From the very nature of things I suppose the things complained of can not be stopped by the police.

Mr. Goff.—If open and flagrant crime have existed for years and the police have failed for years in suppressing that crime, they are either collusive or incompetent.

Senator O'Connor.—No doubt of that.

By Mr. Goff:

Q. Will you please tell us the officials to whom you paid, or your company? A. I understand that I am compelled by this honorable commission—

Mr. Goff.—You are, sir. It is an unpleasant duty, but we are here to do our duty.

Senator Bradley.—You are, unless any question incriminates yourself.

A. We pay to a dockmaster \$25 for each steamer, provided everything goes satisfactory.

Q. Any other person? A. Yes; we pay other people.

Q. Who are the other people you pay? A. We pay the custom-house officers.

Q. How much do you pay them?

Mr. Ransom.—The police haven't anything to do with that.

Senator O'Connor.—They have a right to arrest anybody for violation of State law.

Q. How much do you pay them? A. Twenty dollars.

Q. Twenty dollars for each ship; or is it for any particular service? A. No; there are usually two men put to each vessel, and we pay them \$20 a piece for each ship.

Q. That is \$40? A. Yes.

Q. Now, the next? A. That is all that we pay, really; there may be an occasional exception.

Q. Well, the occasional exceptions we will have, if you please? A. Now, we have paid weighers where there was special reasons for it, but is not as a rule.

Q. Are those United States officers? A. Yes, sir.

Senator O'Connor.—United States officers can violate the laws of the State, as well as the State officers.

Q. How much have you paid them? A. The amount varies according to the quantity they have to weigh and the satisfaction they give in discharging the vessel with rapidity.

Q. How about the harbor master? A. The harbor master and dockmaster, I think they are — aren't they one; you intend them as one?

Q. But, before you get into the pier, or get a berth in the stream, what official has control of that? A. None, that I am aware of.

Q. Now, let me see; haven't you heard your captains complain that they had to pay in order to get a berth in the stream, in the river? A. No, sir; I have never heard of such a thing.

Q. Did you ever hear one of your captains, not very long ago, saying that he had to pay more exactions in the harbor of New York than in the harbor of any seaport in the world? A. No, sir; I — one of our captains could not say such a thing, because he hasn't to pay at all.

Q. What? A. No, sir; one of our captains could not say such a thing, because he hasn't to pay at all.

Q. The company pays; it is all the same thing; he is interested in it; your company does not own the ships? A. No, sir.

Q. These ships are consigned to you by merchants? A. Yes, sir.

Q. And, so far as the handling or navigating of the ship is concerned, you have nothing to do with it in the harbor? A. Nothing.

Q. You have only got to do with the loading and unloading? A. Well, we represent as agents; we represent the owners.

Q. Now, if the captain has to pay out anything for privileges charged to him in the harbor, is it not the proper thing for him to make an account to you of such payments? A. I am not aware of the captain paying out anything, and I don't believe any captain is authorized to pay anything; any payments come through an agent.

Q. If a captain — please answer my question — if a captain should pay out moneys for any purpose whenever he enters the harbor of New York, it is his duty to give you an account of those moneys, is it not? A. It is.

Q. And the purpose for which he has paid it? A. For which he has paid it.

Q. Now, in cases where the captain is simply an officer in the ship, without a share in the ship, he pays out the money of the employer, don't he? A. Yes, sir.

Q. Are any of the captains part owners of the ships that come to you? A. He may be; they may have a share.

Q. Is there a supercargo with each ship? A. No.

Q. Have you ever had any items of expense put into your own account of quarantine expense, outside of the lawful expense or hospital fees? A. I think not, outside of lawful expenses.

Q. What are the lawful expenses for each ship? A. I forget at the present moment.

Q. It is according to tonnage, isn't it? A. Not in quarantine; in quarantine, there were certain charges made at the time of the cholera scare; there are no charges now.

Q. Isn't there a hospital charge of \$2? A. There was at one time, and we paid it, but not now.

Q. It has been abolished, hasn't it? A. Yes, sir.

Senator O'Connor.—That was a head tax, wasn't it?

Mr. Goff.—No, sir; that was a different thing, Senator. Head money has reference to ships for passengers, immigrants; these are freight ships.

Q. Well, have you given us the names of all the persons to whom you have been in the habit of paying money for privileges? A. I have, sir.

Q. Let me ask you; I will preface my question by this statement; you, of course, are an intelligent gentleman and aware that this committee does not seek to go into your private business; their object is to break up this system, if they can; to enable merchants to transact business without being compelled to pay moneys that they should not pay; you understand that? A. Yes.

Q. And you also understand it is the duty of all good citizens to help this committee in that purpose? A. I have no intention of not answering those questions; I wanted simply to be satisfied you desired the answer.

Q. All right; now, the officer's name, that one there, that is on your dock, is Murphy, isn't it? A. I don't know his name; I know him by sight.

Q. How long has the present officer been with you? A. He has been there for a very long time; I really don't know how long; I think he has been there a year or two at least; two or three years.

Q. I ask you now, if the system of payments which you have testified to, were, so far as your knowledge goes, and so far as

general understanding of shipping men, isn't it recognized as the system among all jobbers in the New York harbor? A. I am of that opinion.

By Senator Cantor:

Q. And have been for some years? A. Yes, sir.

By Mr. Goff:

Q. And don't you find it, and other shippers in the same condition you are, that in order to have your business transacted promptly and expeditiously, it is necessary to pay out these moneys? A. I think it is desirable they should pay it

By Senator Cantor:

Q. That has been the system for some years, hasn't it? A. I can only speak of what we have done ourselves; but my opinion is that it has been.

Cross-examination by Mr. Ransom:

Q. The weighers to whom you sometimes pay a compensation are persons employed by the United States government? A. Yes.

Q. And known among business men as United States weighers, attached to the custom-house? A. Yes.

Q. So with the customs officer; you did not give his office any title; you said money was paid to the customs officer; what title do you give to the officer? A. I think you would call him an inspector.

Q. He is a United States officer? A. Yes, sir.

Q. You have mentioned the payment of money to these United States officers, and you have mentioned the payment also of money to dockmasters, who are State officers, as I understand; the dockmaster is a State officer, isn't he? A. I am not quite sure; I know he is under a commissioner, another commissioner apart from the police.

Q. He is not under the jurisdiction of the police department, is he? A. No.

By Senator Cantor:

Q. The harbor master is a State officer; the dockmaster is a subordinate of the harbor master? A. No; he is a city officer.

By Mr. Ransom:

Q. These persons whom you are in the habit of paying money to are in no way under the jurisdiction or control of the police department of the city? A. In no way whatever.

Q. Have you paid these moneys to these persons personally yourself? A. I paid certain sums personally.

Q. These sums you have mentioned? A. Not all of them.

Q. Some of these you paid yourself in person? A. Some I paid personally.

Q. I understand you to say no money has ever gone from your firm to any police official except the dock officer for his luncheon? A. That is all.

Q. About \$10 a month? A. About \$10 a month.

Q. And this officer has been there over his hours of duty? A. What we understand, as where he gives his special attention which the law might not compel him to give, is his lunch hour.

Q. Yes. A. And that is—and it is at that time we require his services most, because our own people go and take their lunches at that particular time; and it is of very great importance to us that we should have people there to see nothing is stolen from the dock.

Q. You gave him the \$10 to get his lunches? A. That is, to get his lunches.

Fred. Studie, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your full name? A. Frederick

Q. Is your residence 291 Elizabeth street? A. Two hundred and ninety-three Elizabeth street.

Q. And is your wife's name Annie? A. Yes, sir.

Q. How long have you been living at 293 Elizabeth street? A. Two years.

Q. What kind of place have you kept there? A. A boarding-house; a furnished room.

Q. Have you occupied the whole house? A. Yes; I rent the whole house.

Q. What kind of people have lived there? A. Single men, and man and wife.

Q. Single men, and men and wives? A. Yes, sir.

Q. Have you had any bad women in your house? A. No, sir.

Q. Have you ever had any bad women in your house? A. No, sir; never; I don't keep such a house.

Q. Were you arrested on the 26th day of March of this year? A. Yes, sir.

Q. Who arrested you? A. Sloan and Sullivan.

Q. Officers? A. Yes, sir.

Q. Attached to what precinct; where is the station-house?
A. In Mulberry street, near Prince.

Q. Did you ever see Sullivan and Sloan before? A. No.

Q. Not before your arrest? A. No.

Q. Did they both come in when you were arrested? A. Yes; they rang the bell, and I looked out the windows, after 12 o'clock; they rang the bell, and I looked out of the window, and there were three men at the door; I said, "What you want;" "They want in;" I said, "You can not come in; you don't live;" "I want in;" "You live no here; I leave no in;" they pushed the door in.

Q. What were you charged with? A. Well, when I wouldn't open, they pushed the door in.

Q. What was charged against you? A. I don't know.

Q. You found out afterward? A. Yes.

Q. What was it? A. Keeping a man in the house by a lady there.

Q. You mean, the charge against you was disorderly house?
A. Yes, sir.

Q. Did you go to court the next day? A. Yes, sir.

Q. What court? A. The Special Court.

Q. Special Sessions? A. Yes.

Q. Where was the court? A. The first morning, we came to the Tombs.

Q. To the Tombs Police Court? A. Yes.

Q. Did you meet a lawyer there named William E. Morris?
A. Yes.

Q. Has an office on Chambers street, corner of Centre? A. Yes.

Q. Did you hear Mr. Morris had any conversations with Officers Sullivan and Sloan? A. Yes; the Officer Sloan sent the lawyer.

Q. Sloan sent the lawyer to you? A. Yes; to me and my wife.

Q. State what Sloan said to the lawyer? A. Well, Sloan said, "Take the case;" he sent the lawyer to my wife and to me, and the lawyer said, "Have you got money?" I say, "No; I have no money; I am poor; I make my living;" he said, "You must have the money;" he asked first money; I said, "I have no money;" and he went back to Sloan, and he said, "I take not the case; there is no money in it;" and Sloan said, "Take the case; there is money in it."

Q. Sloan said to the lawyer, "There is money in him;" is that it? A. Yes.

Q. And then Mr. Morris took the case, didn't he? A. Yes, sir.

Q. After that Mr. Morris came to your house, didn't he? A. Yes.

Q. And did he make a demand upon you? A. Yes.

Q. What did he demand? A. Give him money.

Q. How much? A. I said how much he wanted; he said it would cost \$200; I said I haven't 200 pennies.

Q. Now, can you give the exact language which the lawyer used? A. He say, "Bring me ~~some~~ money down Saturday morning, \$200," and then I go with Sullivan and ~~bring the money~~.

Mr. Ransom.—What was the last?

Mr. Moss.—He said go and pawn some clothes.

The Witness.—And bring the money down and the case would be settled; that is what I understand.

Q. Did Morris mention Sloan and Sullivan in that conversation with you? A. No.

Q. Did he speak to you about Sloan and Sullivan—the lawyer? A. Yes; Sloan and Sullivan was not in my house.

Q. Did Morris say he was going to give any of the money to Sloan and Sullivan? A. Yes, sir.

Q. What did he say? A. I said, "I have got no money."

Q. What did the lawyer say he was going to do with Sloan and Sullivan? A. He would give them the money.

Q. He was going to give them money? A. Yes, sir.

Q. And settle the case? A. Yes.

Q. You said you did not give them any money? A. I hadn't any.

Q. What did you do? A. Well, then I said, "I have got no money," and then I gave them \$16.

Q. You gave Morris \$10? A. For his case, and after I take another lawyer.

Q. Who was your other lawyer? A. August Nentz.

Q. You got tired of Mr. Morris and employed Mr. Nentz? A. Yes.

Q. What happened then? A. I took my lawyer from Sloan and Sullivan and then took another one.

Q. Did you have a trial? A. Yes.

Q. Whereabouts? A. In the Tombs.

Q. In Special Sessions? A. Yes, sir.

Q. What was the result of that trial? A. Well, then, came my lawyer, and I had witnesses that I kept a good house and the neighborhood, and there was one man lived six or eight or 10 years in my house.

Q. You say you produced witnesses who had known you in that neighborhood for some years? A. Yes, sir.

Q. And persons who had boarded in your house? A. Yes.

Q. And he gave it a good character? A. Yes.

Q. These witnesses you produced in court; did the officers, Sullivan and Sloan, testify against you? A. Yes; they came against me; Sloan got the man.

Q. He had a man with him? A. Yes.

Q. Stool-pigeon, I suppose? A. Yes.

Q. Some of those witnesses whom you produced had boarded with you 10 or 11 years? A. Yes, sir.

Q. What was the result of that trial? A. Well —

Q. What was the end of it all, and were you convicted? A. The man said, "You got work;" "No;" "You got money;" "No;" "What have you got arrested for;" Detective Sloan gave it to me.

Chairman Lexow then interrupted the witness' testimony as follows:

By Mr. Moss:

Q. Upon that trial there was a third man who gave testimony; wasn't there? A. Yes; there was a third man; I don't know his name; Sloan had a man along with him.

Q. I understood you to say that the man testified he had spent a day in your house in company with somebody? A. Yes.

Q. And you were going on to tell where he got the dollar for; what was that? A. He said he had received a dollar from Sloan to testify against me.

Q. That was the testimony? A. Yes.

Q. And this Sloan was the same man who had told Mr. Morris he must take your case, because there was money in you? A. Yes.

Q. Mr. Morris afterward demanded \$200? A. Yes.

Q. And saying he was going to pay some of the money to Sloan and Sullivan? A. Yes.

Q. Were you convicted, or were you acquitted? A. The judge says, "Well, that settles the case."

Q. You were discharged? A. Yes.

Q. You have not been fined nor imprisoned? A. No.

Q. Have you ever seen this officer since? A. Sullivan came afterward with another wardman, but I told them I didn't care; yesterday a captain was in my place.

By Mr. Ransom:

Q. Yesterday? A. Yes; yesterday; a new captain; the captain was in my place yesterday, and Sullivan pointed him out to me, and said, "That is the new captain;" and I said, "I have not got any money to spend on you."

Q. Who was the captain; what is his name? A. The captain heard what I said; the captain said, "I don't ask you for any money."

Q. What else was said? A. Nothing else was said; I don't know the name of the captain; the captain and Sullivan went into every room and looked into every room, and said it was all right; he asked, "Are you married;" and I said, "Yes;" "Do you work;" "Yes;" there was a woman in the house, and they asked her if she was married, and she said yes, she was married to a truck driver; and then they went into another room, and there was a couple in there, and they asked whether they were married, and they said yes; that was a watchman and his wife.

Q. What made you say you had no money for them? A. Because next door to me they pay them every week.

By Mr. Moss:

Q. Who lives next door to you? A. Strauss.

Q. And what is the number of the house? A. Two hundred and ninety-five Elizabeth street.

Q. What do they do there? A. They have got more than a dozen females in that house, and they go in and out like a dove-cote.

Q. How much do they pay; do you know? A. I don't know how much they paid; I have only heard they do pay; Mrs. Strauss told me she had a big pull with the police.

Q. Did you ever see Sullivan and the other officer, Sloan, I think you called him, go into that house? A. Yes; a couple of times I saw him go in.

Q. Has that house been raided? A. No; they will never touch them.

Q. Have you seen those girls solicit men from the house? A. Yes; more than a hundred times.

Q. Calling from the windows and doors to the men? A. And go up the street, and soliciting men, and bringing them in.

Q. How long has that been going on at 295 Elizabeth street? A. During the entire winter.

Q. Who was the old captain? A. I never had any acquaintance with the captains; I don't know their names.

Q. How many other disorderly houses are there on Elizabeth street near you? A. I did not pay any special attention to that.

Q. Are there large numbers of street walkers in your neighborhood? A. No; not very many.

Q. Are there disorderly houses in that street near you? A. I have not been into those houses, and I can't say whether they are bad or not.

Cross-examination by Mr. Ransom:

Q. When Sullivan and the other officer arrested you, you felt that you had been outraged; that they had done wrong to you, didn't you? A. Yes; sure.

Q. You are an honest man? A. Yes.

Q. And that in your view was a false arrest; they had no right to arrest you? A. No.

By Chairman Lexow:

Q. Did you ever make a complaint to the police commissioners of the way you were being treated? A. No.

Q. Did you know that there were such officials in this city as police commissioners? A. Sure; yes; I have been here 27 years.

George T. Sheridan, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Now, Officer Sheridan, I did not know you were in court until you addressed me just now; you are the officer that had the noted occurrence down at the Merchants' Hotel; wasn't you? A. Yes.

Q. You are under indictments? A. Yes, sir.

Mr. Goff.—Mr. Chairman, I do not think, in fairness to the officer, I will ask him any question as to the transaction, because he is under indictment for the transactions, and I do not think it will be fair; I want to ask him one or two questions, however, as long as he is in court. I did not expect to see him here.

Chairman Lexow.—What was it?

Mr. Goff.—It was an occurrence where a man claimed to be clubbed in a poolroom, and the officer was tried for it.

Senator Cantor.—We had the testimony here. The testimony was produced before the committee.

Mr. Goff.—Oh, no; but there has been a trial at headquarters, and the decision is not rendered yet, is it, officer? A. No, sir.

Mr. Goff.—And the officer is under indictment now, so I do not think it would be fair to this officer to ask him questions about that. There is one thing I want to ask you in connection with that matter, just one or two questions.

Q. You were up to Morris Park recently, were you not? A. Yes.

Q. To the races? A. Yes.

Q. And had you companions there? A. No, sir.

Q. Did you meet anyone there that you knew? A. No, sir.

Q. Did you see your friend Lynch there? A. No, sir.

Q. Nor Smith? A. No, sir.

Q. Nor Burke? A. No, sir.

Q. Nor anyone connected with that Merchants' Hotel transaction? A. No, sir.

Q. Now, officer, you appreciate the fact that you are under oath here? A. Yes, sir.

Q. And false swearing is perjury? (No answer.)

Q. You mean to tell this committee, under the solemn obligation of your oath, that you did not see Lynch, nor Smith, nor Burke, at the Morris Park races? A. I don't know Burke.

Q. Well, Lynch or Smith? A. No, sir.

Q. Neither one? A. No, sir.

Q. At the Morris Park races, or in New York, at any time since the occurrence at the Merchants' Hotel? A. No, sir; I have seen them, but I have not seen them in New York.

Q. You have seen them in Jersey? A. I have seen them in the Tombs Police Court.

Q. That is in New York? A. Yes, sir.

Q. Did you ever see any of them at any place except the Tombs Police Court? A. No, sir.

Q. Did you write to them? A. No, sir.

Q. Did you write to Lynch? A. No, sir.

Q. Did anyone write for you? A. No, sir.

Q. Do you know of any letters being sent to Lynch? A. No, sir.

Q. How did you come to go to Morris Park? A. Why, I went up there—I had a day off.

Q. What day was it? A. I don't recollect now; I had a night off that night.

Q. You have a good many days off, haven't you? A. No, sir.

Q. When did you put on uniform? A. About three or four weeks ago.

Q. You only put on the uniform after this Merchants' Hotel episode? A. No, sir; there was an order came down from headquarters.

Q. For you to put on uniform? A. No; not me particularly, but all men in citizens' clothes.

Q. You were in citizens' clothes up to that time? A. Yes, sir.

Q. How long? A. Three or four months.

Q. How long have you been on the force? A. Very near four years.

Q. What precinct have you been in? A. Second precinct.

Q. You have been on the Second precinct ever since you have been on the force? A. Yes, sir.

Q. That is Captain O'Connor's precinct? A. Yes.

Q. The same precinct where this occurrence took place at the Merchants' Hotel? A. Yes, sir.

Q. How long were you doing patrol duty out of the four years? A. About three and a half years.

Q. About three and a half years; the blotter shows that, does it? A. Yes, sir.

Q. Where has been your post? A. Cortlandt street and Liberty street and Greenwich street.

Q. Right in the immediate neighborhood of this Merchants' Hotel? A. Yes; I was on post there.

Q. Do you ever touch the key now, Sheridan? A. What key?

Q. What key? A. I don't understand your remark.

Q. Don't you know you are a telegraph operator; aren't you? A. No, sir.

Q. Did you ever practice telegraphy? A. No, sir.

Q. Do you understand telegraphy? A. No, sir.

Q. Had you anything to do with telegraphing? A. No, sir.

Q. What were you employed at before you went on the police force? A. Bricklaying.

Q. Well, now, you repeat again that you never saw Lynch except at the Tombs? A. That is all.

Q. Since the day that alleged occurrence took place at the Merchants' Hotel? A. Yes, sir.

Q. Were you over to Jersey since? A. No, sir.

Q. Did you ever cross to Jersey? A. Yes; I went over to Jersey.

Q. Why did you answer me just now you have not been to Jersey? A. I was to Newark by train; I was not off at Jersey City.

Q. Then you have been to Jersey since that occurrence? A. Yes, sir.

Q. When did you go to Newark? A. Three weeks ago.

Q. What did you go to Newark for? A. I went to a friend of mine.

Q. Who is the friend? A. A party of the name of Nugent.

Q. Who is Nugent? A. He is in the hat business in Jersey City.

Q. Where did you meet him? A. I met him over in New York here.

Q. By appointment? A. No, sir.

Q. Were you on duty? A. Yes, sir; I was not on duty then; not when I went over there.

Q. What time of the day did you meet Nugent? A. I met him at 12 o'clock that night; the night before.

Q. Where did you meet him the night before? A. Corner of Cortlandt and Washington street.

Q. Did you know him? A. Yes, sir.

Q. Were you on patrol duty then? A. Yes.

Q. Did you make an appointment, then, to go to Newark?

A. Yes, sir.

Q. What took you to Newark? A. We went out there.

Q. What for? A. Just for pleasure.

Q. Who did you see in Newark? A. We didn't see anybody in particular.

Q. Well, any gentlemen? A. I did not see anybody in particular.

Q. Any gentlemen? A. We went around to three or four friends of his.

Q. Who are they? A. I don't know who they are.

Q. Give their names? A. I don't know their names.

Q. Did you talk about the Lynch matter? A. No, sir.

Q. Not a word? A. No, sir.

Q. Or the Merchants' Hotel transaction? A. No, sir.

Q. Were you at Lynch's house? A. No; I don't know where he lives.

Q. What was the name of the other policeman that was connected with you in that transaction? A. There was no other policeman in.

Q. You were the only one? A. Yes, sir; there were complaints made against two other policemen; before the police commissioners yet.

Q. What are their names? A. Moody and Miller.

Q. You swear you never were to Lynch's house? A. No, sir.

Q. And that you never saw Lynch or spoke to him, except in the Tombs? A. No, sir; that is all.

Q. And I ask you again, before you leave the stand, if you reiterate your oath that you did not see Lynch or Smith at the Morris Park races on any day this year? A. No, sir.

Q. Or had any conversation with them? A. No, sir.

Q. Don't shake your head; answer? A. No, sir.

Q. Do you know Smith, the ex-chief of police of Jersey City? A. No, sir.

Q. Ever meet him? A. No, sir.

By Senator Bradley:

Q. You went around with this man in Newark, with some of his friends, did you? A. Yes, sir.

Q. Do you mean to give me to understand that he did not introduce you to these men? A. I do not remember the name.

Q. You said you did not know the name.

By Mr. Goff:

Q. I will ask you one question; don't you know of your own knowledge that Lynch and Smith, the complainants against you in the Merchants' Hotel transaction, were in New York, and went to Morris Park, and that you took particular pains to see that they were not served with a subpoena from the Lexow committee? A. No, sir.

Q. Did you ever hear of it before? A. No, sir; I never heard the Lexow committee was after them.

Q. Didn't you stand up to the bar in Morris Park and drink with Lynch and Smith? A. No, sir; I did not.

Q. Were you to the Sheepshead Bay races? A. No, sir.

Mr. Goff.—You understand, Mr. Chairman and gentlemen, the reason why I do not wish to go into the merits of this case. I have spoken of that before, this witness being under indictment.

Senator Cantor.—What is he under indictment for?

Mr. Goff.—In connection with an alleged assault on two men in a poolroom hall. The poolroom was in the Merchants' Hotel in this city, and it is alleged he clubbed those men, and charges were made against him before the police commissioners, and subsequently charges were presented to the grand jury, and he was put under indictment; and under those circumstances I do not wish to ask this witness any questions on the merits of the case. That will do, officer. I want to deal fairly with you.

Charles A. Beeck, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Mr. Goff.—Now, Mr. Chairman, I ask you to give the substance of the resolution of this committee to this witness, in regard to the protection that he has a right to expect.

Chairman Lexow.—Any testimony you may give here with reference to bribery or corruption of the police department, any bribe given by you or received by you, if you tell the truth and it is a fact—any testimony you may give here is privileged and can not be used against you in any other proceeding, and your confession of the fact is an absolute bar against your prosecution. The thing is to tell the truth.

Q. Now, officer, how many years have you been on the police force? A. Twenty-two years last March.

Q. So that each of those four stripes represents five years? A. Yes, sir.

Q. And you have got a pretty good record, officer? A. Pretty good; yes, sir.

Q. Now, officer, do you know of any agreement or understanding between policemen, that, if called upon before this committee, you would decline to reveal anything of police matters? A. I never heard of any.

Q. Is there not a general understanding among the men on the force that they must keep quiet and not say anything about police matters? A. I never had any conversation with any policemen in New York on the matter.

Q. You are entitled to a pension, officer, aren't you, if you retire? A. Yes, sir.

Q. How long have you been on the steamboat squad? A. Since April, 1882.

Q. And before that, to what precinct were you attached? A. From March 25, 1872, to March, 1873, I was in the Twentieth, and from the 18th of March, 1873, to 1874, I was in the Twenty-second.

Q. Will you tell the Senators about the steamboat squad; does that form a separate precinct now? A. Yes.

Q. It used to be simply a squad? A. Simply a squad.

Q. Now it is a precinct? A. Thirty-seventh precinct.

Q. Where is the station-house? A. One at Pier A, and one at ———, North river

Q. Which is the headquarters? A. Pier A, North river.

Q. Who is the captain of that precinct? A. Captain Allaire.

Q. How long has he been captain of that precinct? A. I should judge about two years.

Q. The jurisdiction of that precinct includes all the docks both on the North and East rivers? A. Yes, sir.

Q. And all the men that are assigned to duty at the various docks are all belonging to that precinct—the Thirty-seventh, isn't it? A. Yes, sir.

Q. The duties of these men are to look after the docks of the steamship companies? A. That is the idea.

Q. Regulate the carts and the truckdrivers, and so on; now, isn't it a fact, officer, that the men generally assigned to those docks do special duty for the steamship companies? A. Yes, sir.

Q. It is? A. Yes.

Q. Well, is it not also a fact, officer, that for that special duty the officer received some compensation from the steamship company? A. I presume on some of them.

Q. I beg pardon? A. I say I presume on some of them.

Q. Isn't that the general rule? A. Well, I believe it is.

Q. Now, officer, I know how hard it is for you to talk about police matters, but you are a conscientious man, I believe, and under the statement of the chairman of this committee, I think you recognize that you are safe and protected from any prosecution for any testimony you may give here; I ask you, if you will tell the Senate committee yourself, about what is called the envelope crowd, or the envelope gang? A. I don't know what they mean by the envelope gang; whether it is a man gives up any money or not, whether that is the idea; but they speak of the envelope gang.

Q. Isn't there something known—something called the envelope crowd? A. I know we have spoken among ourselves in that manner.

Q. What does that mean; what does the envelope crowd mean? A. Whether they mean they give up any of their money or not—I suppose that is the idea.

Q. It has been spoken of by the policemen? A. I think not give up this money.

Q. It has been spoken of that they belonged to the envelope gang or crowd? A. No; I never heard a man make that remark; I have heard some of the men say, "There goes an envelope gang," in doing some extra duty.

Q. Referring to some policemen? A. I presume so.

Q. What was the understanding of that term? A. I don't really know what he meant by it, whether he gave up what he got or not.

Q. That is, the officer gave up what he got? A. Yes.

Q. Well, but hasn't there been something in use—some envelope in use with the men of the department there? A. No, sir; not that I know.

Q. Do you recollect that remark more than once? A. Not over once, that I know of; once or twice.

Q. Isn't it generally understood that the envelope men means the men who have to give up to their superior officers? A. I presume that is what it means.

Q. Yes; money in envelopes; and that the money that they got from the steamship companies for compensation for their services to the steamship companies they had got to give up a portion of that money either to their sergeant or their captains; isn't that a fact? A. I don't know whether that is a fact or not; I know—I don't know what other men do.

Q. Suppose you tell us what you have done, officer? A. It is not a great while ago I have given a certain man \$10.

Q. Who is the man, officer? A. Sergeant Taylor.

Q. On the steamboat squad of the Thirty-seventh precinct?
A. That is right.

Q. How did you give him the \$10? A. Just handed it to him.

Q. What did you give it to him for? A. I don't know as I gave it to him for any particular reason more than I just handed it to him; that is all.

Q. Sergeant Taylor; isn't he known as the collector for the captain among the men? A. I don't know whether he is or not; I never heard the men say so.

Q. Why did you select out Sergeant Taylor from the other sergeants to give him \$10? A. Well, Sergeant Taylor has been a friend of mine right straight along, and I handed him \$10.

Q. Do you know other men who have given Sergeant Taylor \$10? A. No, sir.

Q. You gave him a \$10 bill? A. Yes, sir.

Q. How long ago was that? A. About the 2d or 3d of this month.

Q. Was that the first \$10 bill you ever gave him? A. Yes, sir.

Q. Did you ever see any man give him money? A. Never in my life.

Q. What did he say when you gave him the \$10? A. Nothing.

Q. Now, I ask you again if Sergeant Taylor does not go around among the men employed in the steamboat squad and collect from them? A. I don't know; he goes along the river front, but whether he collects from them or not—

Q. Did you ever hear, under the solemn obligation of your oath, did you not hear it said or spoken of that Taylor was the captain's collector? A. No, sir; I never did.

Q. Is there a sergeant there called Mason? A. No, sir.

Q. What are the sergeants' names there? A. Burns, Read, Robb and Taylor.

Q. Where was it you gave Taylor this money? A. At the American dock.

Q. You are on duty there? A. Yes, sir.

Q. He came around on his rounds? A. Yes, sir.

Q. Did any conversation lead up to the giving of the money?
A. Yes, sir.

Q. What was the conversation? A. I simply said to him, "Here, sergeant, I make you a present of this."

Q. What did you give him the present for, officer? A. Well, he took me off the street where I was at the Stonington dock for about 10 or 11 years; in fact, I was out in the street along from Warren to Barclay street on the middle of the street, and finally, when this new dock was built there, there was one officer

sent there, and opened there for some time, and I was just after being sent there.

Q. You received a little compensation from the steamship company, didn't you, officer? A. Yes, sir.

Q. And have you got a partner there? A. Yes, sir.

Q. Officer Inman? A. Yes, sir.

Q. He receives a little compensation? A. I believe he does.

Q. What? A. Yes, sir.

Q. The agents of the line have sworn to it here to-day, officer?

A. I am aware of the fact; at least, they told me they were going to.

Q. Well, Inman has been there quite a number of years, hasn't he? A. Yes; I believe so.

Q. And he has received it for all those years? A. Yes—Oh, I—yes; I don't know whether he has all those years or not.

Q. He has stated so anyway? A. He has been getting it some time; I don't know how long.

Q. That is the customary thing on the dock front, is it not, officer? A. Yes, sir; it is not so with every pier; there are a great many piers that don't do anything of the kind.

Q. Now, don't you know, officer; isn't it the knowledge in the station-house, and among the men on the squad, that the officers who do not give up a little money to their sergeant or their captain, that they are not treated as well as other officers? A. I don't know; I have done extra duty as well as other men, and I never heard them say they had to give up, or they did give up, and that they had to do extra duty, because they did not give up.

Q. You mean to say this is the only case you know anything about, this one of \$10 that you have given up? A. Yes, sir.

By Chairman Lexow:

Q. How long ago was he detailed, Mr. Goff?

By Mr. Goff:

Q. When were you detailed at this new dock? A. The 9th of November.

Q. When did you give up the \$10? A. The 2d of this month; I think it was the 2d or the 3d of June.

Q. Why did you wait until the 2d or 3d of June to give a present to the sergeant? A. Because I did not get it; I did not get nothing, only for the last couple of months.

Q. You get your monthly pay; don't you? A. Yes, sir.

Q. You waited until you got something from the dock people to give it up? A. Oh, no—why, certainly, I was not going to give anything away of my salary.

Q. Then the money you gave to the sergeant was part of the money you had received from the dock people? A. Yes, sir.

Q. Oh, you waited until you got that, in order to give it to them? A. Yes, sir.

Q. When you say you were not going to give away any of your salary, you mean us to understand that it was an understood thing? A. It never was spoken to me by anybody; never was asked by anybody.

Q. Didn't you think it was a risky thing to do to offer \$10 to your officer? A. I did not think there was any risk attached to it; no, sir.

Q. Is it not against the rule for any officer to give a gratuity or present to his superior officer? A. I did not give it in that way.

Q. Then what did you give it for? A. As merely, as I said before, as a present.

Q. As friends; weren't you afraid the sergeant would immediately prefer charges against you for giving him a present for nothing? A. I did not know he would.

Q. You felt pretty sure he would not say you gave it to him? A. I did not think so.

Q. Don't you know it is the recognized custom in the department to give those gratuities and presents? A. I never did it before.

Q. Well, but, officer, you would not have run the risk of being broke for giving anything in the shape of a present or gratuity, would you? A. No, sir; I would not.

Q. Unless you were pretty sure it would be received? A. Why, of course everybody feels that way.

AFTERNOON SESSION.

June 21, 1894.

Present.—The Senators and counsel, as before.

The Chairman.—Mr. Ransom, before going on with the examination, my attention has been called to an article in one of the newspapers, which is based upon a statement made by me yesterday in reference to the publication, by the World, of some matter connected with one of the employes of this committee. The statement here is that I have said or did say that the matter published in the World was utterly untrue and was published without any conference; I meant to say, that there was no

foundation in fact for the statement made; that while the reporter may have believed and been justified in the belief that he possessed evidence upon which a statement of that kind was justified, that we were satisfied that there was no foundation in fact for the statement; and I desire to have it understood that we meant no reflection upon the World or upon the World's reporter in the making of that insinuation, but at the same time we would suggest that if any charges of that kind are to be made, that the committee be first conferred with to ascertain whether or not there is any truth in them.

Mr. Goff.—Mr. Chairman, I am glad to hear you make that statement, and I will add that, in justice to the writer of the article, it is but proper to say that, since the matter has been brought to my attention more carefully and particularly than I understood at the time—there is such a rush of matters after I get out of court here that I can not carry everything in my mind: but matters did come to our knowledge, particularly to the knowledge of my associate, Mr. Moss, which pointed very directly to acts performed by an employe of this committee, as I afterward learned, which were of an extremely suspicious character, to say the least. When I heard the name of the employe, never having heard it before, I promptly told you I knew nothing at all about him. I had in my mind another person; but information reached us, touching the actions of this man, while Clark was testifying, and the hurried entrance into the courtroom of a well-known character in New York, a lawyer, who used to be a resident of that ward, after the exit of that employe of the committee, after he left the courtroom hurriedly this man came in hurriedly, and taking everything into consideration, I remember now that Mr. Moss called my attention to it, and that we decided next morning that we would put this man on the stand. I say that in justice to the reporter. Whoever wrote the article I do not know. It is but fair that the facts should be stated.

The Chairman.—And also that it was simply a coincidence, because we had sent this doorkeeper on special business of this committee, which he attended to at the time.

Mr. Goff.—So far as the information coming and the happening of the coincidence, it would seem to be a perfectly reasonable ground for the reporter to take.

Charles A. Beeck resumed the stand:

Mr. Ransom.—I simply wanted to say to you, Mr. Chairman, as Mr. Goff has given me the opportunity to cross-examine the witness, that I have no questions to ask him.

Mr. Goff.—That is all, Officer Beeck.

The Chairman.— Officer, I would like to ask you one question.

Q. What proportion of the total amount that you received outside of your salary on the steamboat dock there, was this \$10 that you handed to the sergeant? A. What proportion?

Q. Yes; what proportion of the amount that you had received up to that time? A. Half of it.

John D. Smith, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. You are a produce merchant? A. Yes, sir.

Q. You are in partnership with a Mr. Voorhees? A. Manager.

Q. Where do you conduct business? A. No. 179 Reade street.

Q. What are you, wholesale grocers, or produce? A. Wholesale fruit and produce dealers.

Q. You handle a good deal of goods? A. Yes, sir.

Q. And, as a consequence, you find it necessary to use a sidewalk? A. We do; to a large extent.

Q. Can not get over that? A. No, sir.

Q. And you have to incumber the sidewalk during certain hours of the day for the purpose of handling your goods? A. The early portion of the day.

Q. Of course, you, as an intelligent man, know that that is in violation of a corporation ordinance? A. Yes, sir.

Q. And there are police officers on post? A. Yes, sir.

Q. Are there special police officers that attend to that portion of duty, called the ordinance police? A. Well, I really couldn't say; I presume there are; I think I have seen them.

Q. There is a body of men, Mr. Smith, called the ordinance police, whose duty it is to look after sidewalk obstructions, and signs, and so forth; now, do those ordinance men ever visit you, those policemen? A. Well, I can not say that they visit me; they pass there; we pass the time of day with them, frequently; I haven't made any special distinction between the regular police and the ordinance.

Q. We will say the regular police; we will not draw any distinction between them; they are all policemen, properly speaking; now, have you ever been called to order, as it were, by the policemen on account of the sidewalk obstructions? A. Quite frequently.

Q. Have your goods ever been taken to the corporation yard by the bureau of incumbrances? A. No, sir.

Q. Have the police made any trouble for you? A. Well, we have had several complaints, and I responded to them in the courts.

Q. Several complaints, and responded to them in the District Court? A. Yes, sir.

Q. Have you ever been fined? A. Well, not in my present position.

Q. Well, before, while in other positions? A. Yes, sir.

Q. In the same house? A. No; I think four doors below that.

Q. How long have you been with Mr. Voorhees? A. About three years.

Q. Since you have been with Mr. Voorhees you have responded in court on several occasions? A. Two, if I remember right.

Q. That is, at the First District Court, is it not? A. I couldn't say; I think one was before Judge Mitchell, previous to his death.

Q. And the other before Judge Lynn? A. I don't remember that.

Q. In either of those cases were you fined? A. No, sir.

Q. Your house has given some presents and things to the police officers in relation to these sidewalk obstructions? A. Never to a police officer.

Q. To whom then, if not to a police officer? A. Well, I say that directly; we have never given anything directly.

Q. Well, indirectly? A. Yes.

Q. You understand, Mr. Smith, that the object of these honorable Senators, in instituting this investigation, is for the purpose of discovering and breaking up a system of oppression upon the merchants of this city; you understand that object? A. So I should judge from reading the daily papers.

Q. And so far as you or your firm are concerned, you have nothing to fear whatever from any testimony you may give before this committee, and this committee expects that all good citizens will come and strengthen their hands, to break down this system; now, I ask you to tell the Senators, in your own way, just how that thing is done; I don't want to bother you with questions or annoy you; just tell, in your own way, how that thing is done? A. My recollection of it is, it is placed in an envelope, whatever amount it was, and been called for by some one connected with the department.

Q. About what periods of time? A. Well, I could hardly state definitely.

By the Chairman:

Q. Monthly, or every two or three months; what is your custom? A. I should say yearly, Judge.

Q. Yearly? A. That is my impression.

Q. And the amount? A. Twenty-five dollars.

Q. And in case you omitted, if you ever did, to put the money in an envelope for the purposes for which you suggested, did you receive a visit from the policeman or representative of the department of incumbrances? A. I didn't omit it.

Q. You never did omit it? A. No, sir.

Q. How did you come first to put money in an envelope and deposit it for the purpose you have mentioned? A. I was informed it was necessary to do that thing.

Q. Had anybody connected with the police department given you that information? A. No; it came second-handed.

Q. But, was the original source of it, so far as you know, connected with the police? A. I should say it was, but I had no positive knowledge of that.

Q. You were told just what? A. That the price was \$25.

Q. The price for what? A. For one building.

Q. Was the information you received that each building had to contribute yearly the sum of \$25, in order to encroach upon the sidewalk in violation of law? A. That was the understanding.

Q. And that if that sum was paid, you would be protected in your encroachment? A. That was the understanding.

By Mr. Goff:

Q. Do you know Officer Kelly? A. I have seen him on the beat there.

Q. Do you know if he has ever called for an envelope? A. Not at my place.

Q. At any other place, do you know? A. I couldn't state that positively.

Q. Is it not generally understood that Officer Kelly does the collecting? A. I believe so.

By the Chairman:

Q. Where would you put the envelope? A. Your honor, I would rather not answer that question.

Senator Bradley.—But these questions are necessary.

The Chairman.—As indicating a system, the question is material.

Q. Was it understood between you and the policeman on the beat there as to just where he would find that envelope? A. I had no understanding with the policeman in the matter.

Mr. Goff.—Well, with whom?

Q. When you deposited that envelope, there was an understanding with somebody, undoubtedly, else how would you know where to deposit it so that he could find it? A. I deposited it

upon a neighbor's desk, with the understanding that it was to be called for.

By Mr. Goff:

Q. That is not a merchant? A. Yes, sir.

Q. Let me ask you, in connection with that, was that recognized as a place where merchants around should lay envelopes?

A. That I couldn't state.

Q. Only for yourself? A. Only for myself.

By the Chairman:

Q. Did you see any envelopes of a similar character at that place? A. No, sir.

Q. Only yours? A. Only my envelope.

Q. And that was deposited on the counter of this neighboring store? A. Neighboring store.

Q. And you left it there? A. I left it there.

Q. Did you see anybody call for it? A. I didn't.

By Mr. Goff:

Q. I think, Mr. Smith, that it is necessary for this committee to know all the ins and outs of that transaction? A. I am giving them to you, sir.

Q. Give us the name, please, of the store where you left the envelope; it becomes very important, because it affects your business principally? A. It was my next-door neighbor, T. J. Roberts.

Q. Was it through Mr. Roberts, or from Mr. Roberts, you were given to understand that this thing was necessary to do? A. It was as a neighbor.

By the Chairman:

Q. A friendly suggestion? A. Yes, sir.

Q. Had you been interfered with previous to that time? A. Yes, sir.

Q. That this suggestion was made? A. Yes, sir.

Q. And annoyed, harassed? A. We had received notice from the court.

Q. To appear and defend? A. Yes, sir.

Q. And after that did you ever get a notice? A. My impression is that the notice came immediately after.

Q. Were you ever interfered with or troubled after you started the payment of this \$25 annually? A. We received a notice immediately afterward.

By Mr. Goff:

Q. But you were not fined, or anything further done? A. No, sir.

By the Chairman:

Q. Was any testimony given against you in the District Court?
A. Yes, sir.

Q. Charging you with violation of the ordinance? A. Yes, sir.

Q. And notwithstanding that testimony you were discharged without fine? A. Well, I gave my testimony in rebuttal, stating, as I have stated here, that it was almost necessary; it was the custom to utilize the sidewalk for the business; that we couldn't possibly avoid it; that it was the custom among the trade, but we left as much gangway open as possible for pedestrians; the pedestrians in our neighborhood were in our own line of business, and were not annoyed; the result was we were admonished to be more careful, but not fined.

By Mr. Goff:

Q. Was there anything said about leasing the sidewalk for so much a year? A. Nothing more than the petition that we got up as a trade to the board of aldermen.

Q. Let me ask you, now, as a merchant, well posted in your line of business, would it not be better for the trade to have legal rights, for certain hours of the day there, and obtain terms from the city, on payment of a reasonable fee? A. Undoubtedly.

Q. Than to be subjected to these visitations and envelope contributions and subscriptions? A. Undoubtedly, sir.

Q. And you would prefer it? A. Much rather.

Q. And all the men in the trade would prefer it? A. I think so.

Q. As a matter of fact, it is now so that the necessities of the business are such, that you are compelled to use the sidewalk? A. We can not avoid it and do business.

By the Chairman:

Q. Did I understand that every merchant in the same line of business as yourself in that neighborhood there was making an equal contribution? A. That was the impression, your honor.

Q. According to the size of the store? A. I couldn't say in regard to that, positively.

Q. Can you, of your own knowledge, give the names of any of your neighbors there who have made equivalent contributions?

A. I can not, your honor.

Q. Have you heard of any? A. In a roundabout way, only.

Q. And it is upon that that you base your understanding that they all do? A. That is my impression; I have no knowledge of that, as a fact.

By Mr. Goff:

Q. Mr. Smith, is there any such thing as an association among the men of your trade, an exchange or association? A. Yes, sir; we have a Fruit and Produce Dealers' League, and many of our trades are members of the Mercantile Exchange, I think, which is more particularly devoted to the butter and egg trade.

Q. Could you give us any approximation of the number of merchants engaged in your business in that locality, around Greenwich and Washington and Reade and Chambers and Duane and all those streets there? A. I couldn't, sir; I could some years ago, but I couldn't to-day; our trade runs from Dey street to Fourteenth, on West, Washington and Greenwich, and all the cross streets.

Q. There are certainly many hundreds? A. A great many.

Q. A great many hundreds? A. Yes, sir.

By Senator Bradley:

Q. How many members in the association? A. I couldn't state that.

Q. Couldn't state the number of members in your association? A. I couldn't, because I am not sufficiently active a member.

By Mr. Goff:

Q. Is it not the common understanding among the merchants in your business that they all have to pay for the use of your sidewalk? A. I could only speak of my impression, Mr. Goff.

Q. Well, what you gathered from the general feeling around among men in your trade? A. I should judge that the contribution was general, but I couldn't state positively.

Q. I don't ask for that, simply for your understanding as you gathered it from the circumstances and surroundings? A. Yes, sir.

By the Chairman:

Q. How long have you paid contributions? A. To the best of my recollection, only two years.

Q. And since then, with the exception of the time that you have mentioned before, you have not been interferred with? A. No, sir.

By Mr. Goff:

Q. You presented a petition to the board of aldermen, did you not? A. Yes, sir.

Q. That is, the men in the trade? A. Yes, sir.

Q. Wasn't that petition to the board of aldermen the outcome of the dissatisfaction felt by the trade at the imposition of this sidewalk tax? A. I believe it was.

Q. You tried to get relief from that by appealing for legal right to occupy the sidewalk? A. Yes, sir.

Q. So there were a great many names to that petition, were there not? A. I think the trade generally signed it.

Q. And at that time, did you not meet with gentlemen in your own trade, at which this subject was spoken of, and talked about? A. Well, I don't remember any conversation at the time.

Q. Have you had any conversation with any merchants, excepting Mr. Roberts, on this subject? A. Oh, yes; a number of them.

Q. And all agreed that it would be a good thing to get relieved from this exaction? A. Yes, sir.

Q. Have you any knowledge or understanding, apart from positive knowledge; I don't ask for that, because that is impossible, under the circumstances; but have you any knowledge, from the general consensus of opinion, where this money goes to? A. No, sir; I have not.

Q. All you know is that it goes to the police? A. That is my impression.

Senator O'Connor.—He knows it was paid, anyway.

Mr. Goff.—Oh, yes; he knows it was paid; he has so stated.

The Witness.—That is a fact.

By the Chairman:

Q. Have you ever come in contact with the captain of your precinct? A. I have not, sir.

Q. When the policeman on duty there interfered with you in the use of the sidewalk, did he ever bring in the captain as the source of his interfering with you; did he ever speak of the captain as having ordered him to remove the encroachments or incumbrances, or words to that effect? A. The only interference was a notice from the court to appear.

Cross-examination by Mr. Ransom:

Q. You assented, Mr. Smith, to a suggestive question last put by Mr. Goff to you, that you knew that money had been paid to the police, or that that was your impression? A. Simply my impression.

Q. You have no knowledge of that fact? A. No, sir.

Q. You don't mean to so testify? A. No, sir.

Q. All you know is that money was put in an envelope and left by you with your neighbor, Mr. Roberts, on his desk? A. Yes, sir.

Q. And you know nothing more about it than that? A. No, sir.

Q. Now, isn't it a fact that the use of the sidewalk by the merchants and by yourself and by others in your trade, as they do use it, makes the sidewalk really an annex for a part of your own store for the purpose of storing the goods that are there deposited? A. Well, not so much as a place of storage as a place of transfer.

Q. Well, for the time being? A. For the time being.

Q. And during your business hours of the day, the sidewalk in front of your premises, and all others generally engaged in your trade, is substantially obstructed by your goods, is it not? A. Not at all times.

Q. Isn't it so most of the time during your business hours of the day? A. Well, our business hours, understand, are from 12 o'clock at night down.

Q. Down to what time? A. To anywheres from 7, 9, 10, 11 o'clock.

Q. The next day? A. Yes, sir.

Senator O'Connor.—Judge, if that is true, isn't it worse to sell the privilege to block up the sidewalks and inconvenience the public, when the city derives no benefit from it?

Mr. Ransom.—Well, that is a question that I do not think either you or I will ever be called upon to decide in this investigation.

Senator O'Connor.—Probably not.

Mr. Ransom.—I am not inquiring—

Senator O'Connor.—Seems to me the more you show the sidewalk was blocked up, the more iniquitous it is for the police to sell the privilege.

Mr. Ransom.—I do not think so. I have another purpose in mind, which may be a very stupid one, but, still, I think I am right about it.

Q. Then, from 12 o'clock at night, until about 12 o'clock the next day, the sidewalk is substantially obstructed by your goods and others in your trade? A. Not at all times.

Q. It is so most of the time? A. Part of the time; I wouldn't say all the time; part of the time it is obstructed.

Q. When you say a part of the time, of course, I want to know what part; whether it is nearly all the time or whether it is a small portion of the time? A. If you will allow me to explain, I will do so.

Q. Certainly? A. At times, we have a great deal of stuff coming in from 10 o'clock until 5 or 6 in the morning, which will not strike the sidewalk at all; it depends upon the market; if the market is active, it is taken right off the trucks; at other times, we have got to take it off, place it on the sidewalk, rehandle it, mark it and ship it.

Q. Well, the necessities of your business, according to the dimensions of your store, demand the use of the sidewalk by you as a merchant, do they not? A. Yes, sir.

Q. Now, you are aware, are you not, as a citizen, that the sidewalk is intended for the exclusive use and accommodation of pedestrians on the street? A. Yes.

Q. And that when you incumber that walk with your goods, you are really trespassing upon the rights of the pedestrians, are you not? A. Undoubtedly.

Q. Now, if you should enlarge the area of your store, or should rent more space for your business, and would have more store-room, it would be unnecessary for you to incumber the sidewalk, would it not? A. Yes, sir.

Q. And by using the sidewalk, as a part of your store, you save a considerable rental, do you not, in your business? A. I can not say that we do.

Q. Isn't it a good deal more than \$25 a year? A. I can not say that it is.

By Mr. Goff:

Q. As a matter of fact, as Judge Ransom has brought out that you occupy the sidewalk that belongs to the public; the policemen are perfectly willing that you should occupy it, provided you pay them? A. I guess that is the state of the case.

Q. Instead of you having to lease increased space, as Judge Ransom has adroitly put it, and pay an increased rent to the landlord, you pay, practically, the rent to the policeman for the sidewalk? A. Yes, sir.

By Mr. Ransom:

Q. Mr. Smith, you assented to that last question; you didn't mean that upon personal knowledge, did you? A. What is that?

Q. His last question; didn't you hear it; you assented to that last question of Mr. Goff? A. Now, let me explain that.

Q. Don't you explain anything, but answer my question, please; you assented to Mr. Goff's testimony; he testified that you practically paid your rent to the police, and you said yes; do you mean that? A. No, I don't mean it; the matter of utilizing a

sidewalk is a matter of convenience to us; we could put the goods in the store, but it would cost us so much more labor, carting them in and out, so much further; now, by utilizing the sidewalk, it saves time.

Q. Certainly, and money? A. Not so much money as the time.

Q. Well, time is money? A. At certain times it is; if it is, we have got plenty of money.

By Senator O'Connor:

Q. Is that all the explanation? A. I think that is all.

Q. Do you find that if you don't make the payment you can not use the sidewalk? A. If we didn't make the payment we got notice from the corporation.

Q. By making the payment you don't get interfered with? A. That was the understanding.

By Senator Bradley:

Q. It wouldn't make any difference if you had three stores there, in order to carry on your business you would have to use the sidewalk more or less? A. We would use the sidewalk all the same.

Q. No matter how many stores you had, you would use the sidewalk just the same? A. As a matter of convenience.

Mr. Ransom.—He said he would use the sidewalk.

Senator Bradley.—He had to use it.

By Mr. Ransom:

Q. It would, I suppose, be convenient if you could carry your goods out into the middle of the street and drop them there? A. At times we do.

Q. You do? A. Very near the middle.

By the Chairman:

Q. You stated a moment ago, in answer to Judge Ransom, that you didn't of your own personal knowledge know where the money went? A. I do not.

Q. But when you deposited the money in the envelope, you knew where it was to go, didn't you? A. I had an impression.

Q. You had an understanding where it was to go, didn't you? A. Yes, sir.

Q. Your understanding was that it was to go to the police? A. Yes, sir.

By Senator Bradley:

Q. Just the same as if you directed a letter and put it in the lamp-post box? A. The same.

By Mr. Ransom:

Q. You got that understanding from Roberts? A. Yes, sir.

By Senator O'Connor:

Q. If you couldn't use the sidewalk the way you were permitted to do, you would have to increase your business facilities and employ more help? A. We would have to do business inside the store.

Q. That would naturally make a larger place to do business in and more help? A. I think the same help would do the work, but we would have to do it inside the store.

Q. Of course these privileges you enjoyed were a benefit to the storekeeper? A. It is an old-established custom.

Q. It is beneficial? A. Yes, sir.

Q. And instead of paying the city you paid it to some unknown department; you can not exactly say?

J. Albert See, called by the State as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Geff:

Q. What is your business? A. Fruit and produce.

Q. Where is your place of business? A. No. 320 Washington street.

Q. How much of a frontage do you occupy there? A. About 60 feet on Washington street, and 60 feet on Jay.

Q. How long have you been in business? A. Ten years.

Q. And occupied those premises all the time? A. No; about five years.

Q. Where did you occupy before that? A. No. 329 Greenwich street.

Q. You find it necessary, in the conduct of your business, to occupy the sidewalk more or less during certain hours of the day, do you not? A. Yes, sir.

Q. Can not get along very well without it? A. No, sir.

Q. All the merchants in your line of business, in your neighborhood, have to do the same? A. Yes, sir.

Q. Were you one of the gentlemen, or your firm, that signed a petition recently to the board of aldermen in relation to these sidewalk incumbrances? A. I don't think so.

Q. You heard of such petition, did you not? A. Yes.

Q. Have you had any complaints made against you for violation of corporation ordinance? A. Yes; I had one lately.

Q. Were you brought to court? A. Yes, sir.

Q. To the First District Court here? A. Yes, sir.

Q. Did you attend personally? A. No.

Q. Do you know the result of that case? A. Yes, sir.

Q. What was the result? A. I was fined \$7.50.

Q. Was that the only time you were ever proceeded against? A. No, sir.

Q. You were complained of at other times? A. Yes, sir.

Q. Were you fined? A. No, sir.

Q. You were not fined? A. No, sir.

Q. Can you give us any particular reason why you were fined this last occasion and were not find on the other occasions? A. I don't know as I can; no.

Q. Was this last time since this committee sat in New York? A. No; before that; about two months ago, it was.

Q. Since the appointment of this committee? A. I suppose so; yes.

Q. Before that you had been complained of, and had never been fined? A. Always excused; yes, sir.

Q. But the same state of things existed all the time? A. About the same; yes, sir.

Q. So that, if you deserved to be fined on the last occasion, you deserved to be fined on the other occasions?

Mr. Ransom.—That is a judicial inquiry which I suppose counsel ought not to indulge in.

Q. Now, do you remember that, before you were complained of this last time, that your name appeared in connection with some movement of the merchants, or something, to get rid of this? A. Yes.

Q. Did it not? A. Yes.

Q. Can you say that there was any relation between that publication of your name, protesting against certain oppressions and your being fined in court? A. I think it had something to do with it; yes, sir; I know it had.

By the Chairman:

Q. You know it had? A. Yes, sir.

Q. How do you know? A. Because there was one roundsman came around always after that; he said I was a Parkhurst man, and he was at me every day four or five times; I couldn't keep anything on the walk at all.

Q. He was watching your store all the time? A. Yes, sir.

By Senator O'Connor:

Q. And other stores were obstructing the walk? A. Yes, sir.

Q. And no attention paid to them? A. No, sir.

By Mr. Goff:

Q. They didn't interfere with them at all? A. They didn't seem to; I was called at the time.

Q. What was this roundsman's name? A. I couldn't tell you.

Q. What precinct was he attached to? A. Leonard street.

Q. Did he say anything to you about squealing or making trouble for the police? A. No.

Q. Simply said that you were a Parkhurst man? A. Parkhurst man; "Remove your goods, or you will be arrested;" I always did move them right in.

Q. Before that you used to have visits from the police, used you not? A. Oh, only once a year; that is all.

Q. What was that for, for the annual rent? A. That was it; yes, sir.

Q. The annual rent? A. Yes, sir.

Q. What was the policeman's name; Kelly, wasn't it? A. That is right.

By the Chairman:

Q. What is his first name? A. I couldn't tell you.

Mr. Goff.—We know his first name. His name is Officer James Kelly.

By Mr. Goff:

Q. When Kelly first visited you, you had some little disputation about the price you would have to pay to Kelly, did you not? A. That is right.

Q. He wanted to raise the ante, didn't he? A. Yes, sir.

Q. How much? A. He wanted \$50.

By the Chairman:

Q. Instead of what? A. That was what he asked in place of nothing; before Kelly came around there was another man came around.

Q. What did you pay then? A. About \$15.

Q. You paid about \$15 before? A. Yes, sir; \$5 at a time.

Q. Three times a year? A. Yes; most any time.

By Mr. Goff:

Q. Who was the other officer? A. I think his name was Park.

Q. About how long ago was it since Kelly first came around to you? A. About two years.

Q. When he came around did you tell him what you had been in the habit of paying? A. No.

Q. Did he ask you? A. I think he did.

Q. You told him then, did you not? A. Yes; he knew; I ain't positive whether he asked or not; he knew without asking me.

Q. Did he tell you that that place would be worth \$50? A. Yes.

Q. Did you agree to give him \$50? A. No; I told him I was a retailer, not a large receiver, and I only wanted about half what the others paid.

Q. What the big wholesalers paid? A. Wholesalers; yes, sir.

Q. Did he say that the wholesalers in the neighborhood were paying \$50? A. No; he didn't say that.

Q. He didn't say what they were paying? A. No.

Q. How was it that you came to strike after? A. Because I was doing about half the business.

Q. Did he tell you what that \$50 was to be paid for? A. No; I knew that.

Q. What was your knowledge on that subject? A. It always was that way, ever since I have been in the business; we always had to pay for the use of the walk.

Q. Always had to pay for the use of the walk since ever you have been in the business? A. Yes, sir.

Q. How much did you agree to pay him? A. Twenty-five dollars.

Q. Did you pay him \$25? A. Yes, sir.

Q. Every year? A. Yes, sir.

Q. How did you pay him? A. I put it in an envelope.

Q. Did you hand it to him? A. Yes, sir.

Q. He came around for it? A. Yes, sir.

Q. And, under that condition of affairs, you never had any difficulty at all, until roundsmen came and annoyed you? A. Yes; I did; once in a while we would be bothered.

Q. Nothing ever came of it? A. We would have to go to court, and appear like others, and we were excused.

Q. Did you ever say anything to Kelly about your being bothered and paying him at the same time? A. No, sir.

Q. Never make any complaints about that? A. No, sir; I just sent my man to the court, and if there was any fine, he would pay it, and that is all there was to it, if there was not any, it was all the same.

Q. When did you give the last annual rent to Mr. Kelly? A. A year ago.

Q. What part of the year was he in the habit of collecting? A. I think it was April; I ain't sure.

Q. In April? A. Yes.

Q. He has not collected this April, has he? A. No, sir.

Q. The Senate committee is in session?

Mr. Ransom.— You don't mean that they collect it, do you?

By the Chairman:

Q. How did you come to put it in an envelope? A. He requested it.

Q. He asked you to do it? A. Yes, sir.

Q. At the time you made the original agreement with him? A. Yes, sir.

Q. Did he state any reason why he wanted it put in an envelope? A. No; he said he had nothing to do with it; he said he was working under orders; that is all.

Q. He said he had nothing to do with it; he was working under orders? A. Yes, sir.

Q. Did he tell you under whose orders he was working? A. No, sir.

By Mr. Goff:

Q. Did he tell you where he put it? A. Yes, sir; in a drawer in the station-house.

By the Chairman:

Q. And that that was the reason why he wanted it in an envelope? A. No; there was a business card in the envelope.

By Mr. Goff:

Q. That is, your business card?

By the Chairman:

Q. Did you hand it to him each time? A. Yes, sir.

Q. He would come around for it? A. Yes, sir.

Q. Did you have any words at the time of handing it to him? A. I put him off maybe a half a dozen times, and told him I didn't have it, but he would come persistently until he got it.

Q. Did you see whether he had any other envelopes of a similar character in his possession? A. No, sir.

Q. Did you see him pay some visits to your neighbors? A. There is nobody in our business right near me.

Q. Or in any other business? A. No.

By Mr. Goff:

Q. Didn't Officer Kelly say to you that he had nothing what-ever to do with it; that all he had to do was to put the envelope in the drawer of the station-house; is that so? A. Yes, sir.

Q. You associate with a good many merchants in your trade? A. Yes, sir.

Q. Is it not commonly understood and accepted all around that all the merchants have to pay in the same manner that you have had to pay? A. Not all of them; some of them do.

Q. What exceptions are there? A. Some say they never pay.

Q. Do you know of any exceptions made on the ground of belonging to any political party in the city? A. No, sir.

Q. Did you ever hear him say why it was they didn't pay? A. Sometimes in a joke we might, but I don't know whether it is true or not.

Q. Joking that they didn't pay? A. Yes, sir.

Q. But as a general thing you have heard it spoken of among the merchants in your business that every merchant had to pay for the use of the sidewalk? A. Yes, sir.

Cross-examination by Mr. Ransom:

Q. When was it that Kelly told you that he had nothing to do with the envelope or the payment, excepting to put it in a drawer in the station-house? A. When he first came around.

Q. Can you fix the date? A. I could not.

Q. Can you fix the year? A. Two years ago.

Q. What time of year? A. I think it was the 1st of April.

Q. Was that the first time you had ever seen Kelly? A. Yes, sir.

Q. Do you remember who was present when you had this conversation with him? A. Nobody.

Q. Where was it; in your store? A. On the sidewalk.

Q. At your store? A. Yes, sir.

Q. Nobody present? A. Not as I know; no, sir.

Q. How much money was it that you had in that envelope at that time? A. Twenty-five dollars.

Q. You gave the envelope to Kelly? A. Yes, sir.

Q. From your own hand? A. Yes, sir.

Q. All the payments that you made, as I understand your testimony, were made directly through yourself to Kelly? A. Yes, sir.

Q. Did you ask him any questions when he told you that **all** he had to do with this envelope of money was to put it in a drawer at the station-house? A. I don't think I did.

Q. You didn't feel any curiosity on the subject? A. No, sir.

William Mayston, a witness called by the State, being **duly** sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Your name is Mayston, is it not? A. Yes, sir; William Mayston.

Q. What is your trade? A. I deal in all kinds of cutlery ware.

Q. In other words, you are a peddler? A. Well, during the summer I peddle, and during the winter I canvass; peddle whips in summer and scissors, and so forth.

Q. When you peddle in New York here, you have to have a license, do you not? A. I do.

Q. Have you ever made use of a pushcart? A. No, sir; I carry a satchel with me, and sell from my satchel.

Q. Did you ever make use of the pushcart? A. No, sir.

Q. Did you ever sell on Fulton street? A. I did.

Q. Between what blocks? A. Between Nassau and the **next**.

Q. Nassau and William? A. Yes, sir.

Q. The one to the east? A. On the down-town side.

Q. That is a street occupied very much by pushcart men, **is it** not? A. There is six of them stationary in one place all day.

Q. Six of them? A. Stationary all day; that is the only **six** that can stay there; there is others there, but moving all day.

Q. Six permanent ones? A. Permanent all day.

Q. Who allows them to stay there? A. The captain from the First precinct.

Q. Do you know his name? A. Devery.

Q. He allows the six peddlers to occupy that block and **will** not permit any others to occupy that block? A. That is **what** the two officers on that beat told me when I tried to stay **there** myself.

Q. You tried to sell there, did you not? A. I did sell there.

Q. What did the officers do? A. One man, I found out **once**, from the Second precinct, knew that I had trouble with Captain O'Connor; he went up to this officer and whispered to him, and he came deliberately over to me, and said, "You son-of-a-bitch, get out of here."

Q. You say you saw a man you had trouble with in Captain O'Connor's district? A. Yes; in citizen's dress.

Q. A sort of a wardman? A. Yes, sir.

Q. He saw you down here in Fulton street? A. He did.

Q. He knew you? A. He knew me by sight.

Q. You saw him give a whisper to a policeman? A. Yes, sir; at the corner of Nassau street.

Q. What was the result? A. He walked over to me.

Q. The policeman? A. Yes, sir; he said, "You son-of-a-bitch, you go away from there, or I will take you down to the house."

Q. What did he say? A. He said, "You son-of-a-bitch, you go away from there, or I'll take you down to the house."

The Chairman.—Down to the house?

Mr. Goff.—That is what the station-house is called.

Q. What next took place? A. I got away; I went again the next day.

Q. You went again the next day? A. I did; a different man on the post.

Q. A different policeman? A. Yes, sir.

Q. Did anything occur the next time? A. Yes, sir; he did the same thing; I made sure the next day that I would stand between the pushcarts.

Q. You got between those six pushcarts? A. Yes, sir; they all pay \$3 a week to stand there.

Q. They pay \$3 a week? A. Each man.

Q. How do you know that? A. I have had the information from them.

Q. From the pushcart men themselves? A. I have.

Q. That they pay \$3 a week for the privilege of standing there? A. Some of them haven't even a license; I had, and I had my badge exposed, and I was allowed to stand there anyway 10 minutes.

Q. These six men who hadn't any license were privileged to stand there, and you who had a license were chased away? A. Was chased away; when he approached me and told me to get away from the block, I gave him a game of talk; I wouldn't move; I said, "Why don't you move these men that are next to me?" he said, "Now, it is no use giving me an argument; my orders are from the captain that these men are to stay here; they have got a permit from the captain, and that is my orders from the captain's desk;" I said, "Is that so; I didn't know the captain could give a permit; I will get one myself;" I went down to see Captain Devery; he was sick in bed; sick, away somewhere; I saw the man had charge behind the desk.

Q. The sergeant? A. No; I don't know; one was a roundsman, I know; whether the man behind the desk was a sergeant I couldn't say; I could recognize him; I spoke to him about it; I asked him for the man's name, and number, that was doing

duty on Fulton street, between the hours of 12 and 2 in the afternoon; he refused to give me the man's name and number; he said, "What do you want to know for;" I said, "It is immaterial; I would like to know;" he said, "There is more than one man does duty there;" I said, "Give them to me all, and I will find out who it is;" he refused to give it to me; I wanted to get the names of the men that chased me and the man that I had quite a conversation with; he refused to give me the names and numbers; I said, "If you don't give it to me, I will know where to find it out; I will go and see Superintendent Byrnes; I will find it out there;" I knew I could reach him very well through the trouble I had in Church street, but I thought the best way was to settle it down there, and I got near the door and went back; I said, "Maybe before I go to Superintendent Byrnes, we may save you any trouble yourself; I don't want to bring charges against you people down here;" I said, "Maybe I better tell you my name," and I showed him a subpoena I had to appear before the grand jury against Captain O'Connor; he said, "Are you Mason?" this man behind the desk; he took me in his private room and asked me what the trouble was; I told him; he says, "I will see that man in half an hour from now; you can go up there and stand there a while;" I told him my name; he said, "Are you against Captain O'Connor?" I said, "Yes;" he said, "All right, I will attend to that right away;" I saw the same man that chased me from Fulton street, the next day; I said, "Did the sergeant at the desk, or the captain, say anything to you about my standing here?" he said, "No; the captain didn't say nothing to me," but I stood there and sold notwithstanding; he walked by.

By Senator Bradley:

Q. He didn't use any more poetry to you? A. No, sir.

By Mr. Goff:

Q. You were allowed to stand there? A. Yes, sir.

Q. Have you had any more experience, as a dealer or peddler, with the police in this city? A. Yes; they hound me every day now.

Q. Why do they hunt you now? A. I will tell you one experience; I have given more scissors to policemen than would supply all this room, I think.

Q. What did you give up scissors for? A. For staying on the street.

Q. You sell those scissors and make your living by selling them? A. I do.

Q. And do you mean to tell us that the policemen on the street will take your scissors from you? A. No; not directly.

Q. How is it done? A. The last man I gave it to was on Broadway, at the corner of the Safe Deposit Vaults; I stood in that little alleyway; there was two of them came; there was one of the Broadway squad men, and there was a regular duty man going down Broadway, and they both bled me; that is, one bled me, and the other didn't get his.

Q. To what extent? A. He asked me if they were any good; I said, "Yes; they cut all right;" of course, they will cut for the time being.

Q. You didn't sell them for anything else? A. I sell them to make money; that is all I am looking for; he says, "Leave me a pair with the Italian across the street;" I said, "All right;" I left them with him.

Q. You left a pair with the Italian? A. He put them under his cushion on the chair and gave them to him afterward; the other man came around and asked me if they were any good; he said, "They are a little too large for me;" he said he wanted a pair for his nails; I said, "I haven't got any;" he asked me to bring him a nice pair of steel scissors, and he is waiting for them yet on Broadway; I think he will wait; another came along to sell there; another fakir came along selling pens that you can put your foot on and write with at the same time; he stood there and was chased, while I stood there; he said he was a nuisance and I was not.

Q. The man with the pens was a nuisance? A. The copper came around and told me, after he chased him, "You're all right; you are not a nuisance here but that fellow is;" I stood there until I sold out.

Q. He didn't get any scissors then? A. I gave one pair to the Italian, and the other man is waiting for his yet.

Q. It was the same officer to whom you gave the scissors through the Italian, who told you you were not a nuisance? A. That is right, the Broadway squad man.

Q. Have you had any experience with other policemen? A. Oh, yes; down in Nassau street, William street.

Q. Tell us those? A. Cedar street; they all got a pair of scissors.

Q. So you have been quite liberal in the distribution of your favors among the policemen? A. Yes; they didn't cost me very much, and I was very glad to give them.

Q. What did you get in return for giving the policemen the scissors? A. Stood there until I sold out.

Q. Did you ever refuse to give the scissors? A. Only this man on Broadway.

Q. That is the nail scissors? A. Yes, sir.

Q. You don't deal in those, do you? A. I do when I get a job let.

Q. Don't you think it would be a desirable thing to keep out of that policeman's way? A. No; I can go and stand there to-morrow; he will be satisfied.

Q. What about the scissors? A. If I give him the scissors, it will be all right; I can stand him off; some of them were very ugly; wouldn't take a pair of scissors.

Q. Would they take anything else? A. No; I never gave any money; I made up my mind I wouldn't give any money; I could afford a pair of scissors, but I couldn't afford to give them money; one of them got a straw hat this afternoon; he got a straw hat from a man on Nassau street near Ann, and your friend, Mr. Moss, was standing right near; I was going to call his attention to it.

Q. Who got a straw hat? A. A man doing duty on Nassau street.

Q. From whom did he get the straw hat? A. A peddler.

Q. This afternoon? A. This afternoon, during intermission; my friend, Moss, was standing on the corner.

Q. Did Moss get a straw hat? A. I don't think so; I think he was standing there picking his teeth.

Q. How many years have you been carrying on your little peddling business in New York? A. Only about a year.

Q. What were you at before that? A. All kinds of things; one time I was a dock rat down town.

Q. What another time? A. Well, I worked in the Hoffman cafe down in Beaver street; I worked there some year or year and a half; I worked in 122 Nassau street a year and a half; steward there; Thomas F. Delaney, a Tammany Hall man, kept it; and I worked for John A. P. Fiske, in Broad street.

Q. Have you ever been arrested? A. No, sir; I haven't been arrested.

Q. Or convicted of a crime? A. Oh, yes.

Q. What was the crime that you were convicted of? A. But I was not arrested; I gave myself up.

Q. What was it about? A. Well, some lady accused me of stealing her pocketbook; I accompanied her to the station-house.

Q. What was the result of that little transaction? A. Well, when they got me in the station-house, they searched me, and kept me there, and they got some fellow to try to come to swear

that I had stolen this pocketbook; and when I got up to headquarters—I was very green in them days; I didn't know what it meant to plead, or anything else—they told me if I plead, I would get off all right—the court officer; I done as he said; I plead; the judge gave me Elmira Reformatory, and I am very glad I went there, for there is no better place on earth than Elmira Reformatory; paddling does you good.

Q. Then, you did get paddled? A. Yes; and it did me good; it keeps you out of bad company, after you have been in there once.

Q. How long were you in Elmira? A. I served my time; two years.

Q. How old were you when that occurred? A. I couldn't say; it is quite a number of years ago.

Q. How old are you now? A. I am about 32 or 33.

Q. A New York boy? A. I don't know where I am from.

Q. Do you know where you were born? A. I was born on the other side; in Europe somewhere.

Q. But you spent most of your life in New York? A. Oh, yes.

Q. You spoke a little while ago about a man in citizen's clothes recognizing you, that you had trouble with Captain O'Connor? A. Yes, sir.

Q. What trouble was that? A. About what?

Q. You spoke a little while ago about an officer on Fulton street, who was in citizen's clothes, recognizing you as having had trouble with Captain O'Connor? A. Yes, sir.

Q. What trouble was that? A. About having the poolrooms down in the First precinct.

Q. About having the poolrooms in the First precinct? A. Yes; there was another man yesterday that bothered me while I was trying to make a sale of whips; I had a lot of whips in the courtroom here; I am dealing in whips and harness, and I was trying to make a sale in a livery stable on Greenwich street last night, about 6 o'clock; this wardman came around Church street; and he queered me from making a sale of a whip; he came along, and said, "Ain't your name Mayston?" I said, "Yes;" he said, "Well, you are a fine son-of-a-bitch, to going around selling whips; have you got so low as that?" I said, "I don't care what I do to make an honest living; I am not afraid of you or anybody else;" I told Superintendent Byrnes that; that I was under no obligation to the police; that I made a decent living.

Q. What did the wardman say to you after that, last night? A. That is all he said; he said, "It is a pity you don't come around late at night;" I said, "I am going to do that, and I

am going in front of the Church Street station; there is a stable gang around there.

Q. About this trouble with Captain O'Connor and the pool-rooms; what was that? A. I have been playing horse-races for the last 15 or 20 years.

Q. Playing them right up to date? A. Played it yesterday.

Q. On the Suburban? A. No, sir; I played Kildeer in the last race yesterday.

Q. How did you come out? A. He run third.

By Mr. Ransom:

Q. What did you play for, straight or place? A. I played him to win.

By Mr. Goff:

Q. You have been playing the races for, say, 12 or 15 years? A. Yes; more than that; the first time I ever played the horses was at the English Derby.

Q. Were you in England then? A. I was at that time.

Q. So you got the habit in England? A. Yes; that is where I caught the fever.

Q. You brought it with you from there here? A. Yes, sir.

Q. Do you find any difficulty in getting into poolrooms in New York play? A. No; I can get in anywhere.

Q. They are very scarce, are they not? A. Not just now; they are in the Second precinct.

Q. Were they scarce up to a few months ago? A. No, sir.

Q. Plenty? A. Oh, yes.

Q. Are there plenty in New York running now? A. Yes; not half a block from here. (Witness turning his head to the east.)

Q. I saw you stretching your neck; did you think to see the poolroom from the courtroom here? A. I can pretty near see it from here.

Q. Where is it? A. On the next corner.

Q. Centre street? A. Yes, sir.

Q. And Chambers? A. Yes, sir.

Q. Who runs that? A. Mahoney, I think; I can soon tell you (witness refers to a book); 23 Chambers street, Mahoney, second floor up; just go up there, and if you carry a pink paper in your hand, you will get in there.

Q. Is that the password or the sign? A. If they think you are a sporting man you can get in all right.

Q. You are pretty well known, are you not? A. I guess so; yes.

Q. All through the poolrooms? A. I have been in everyone, I think, from here to Philadelphia, and Newark, all around.

Q. I want you to tell the Senators if there are many poolrooms in actual operation in New York at the present time? A. Yes; a good many.

Q. About how many? A. I can tell you; probably a dozen; I can take a good many up town; you can go over to 81 Park row, and get a bet on there, right opposite the Staats Zeitung.

Q. Who runs that; do you know? A. Yes; Keith, I think; Keith runs one, and Mahoney the other; you can get in No. 33 Park row, Pete Delacey's, a great friend of mine, where I made a bet yesterday.

By the Chairman:

Q. What kind of a paper do you have to have in your hand to get in there? A. Well, a Sporting World, or talk horse when you go in.

Q. Do they have a password? A. Some have passwords; if you want to get a bet on, they'll let you in all right.

Q. Are there many more in New York? A. Yes, sir; quite a number.

Q. Could you tell the Senators how many poolrooms, to your knowledge, are open to-day in New York and doing business, or this week? A. I could take you to at least 20 of them; 14 Union square; No. 10 Union square; 10 or 12; and Fourteenth street, corner of Fourth avenue; these two places here, and 33 Park row.

Q. How about Barclay street? A. Oh, he is closed.

Q. Is he closed? A. Yes; he was closed, and I think he has gone back to the same old place, though.

Q. Where is that? A. He went over when I closed him up down at 3 Barclay street, which I didn't want to do; he was a particular friend of mine; it was through Superintendent Byrnes that he got closed; they went over to the hotel, right opposite the post-office.

Q. The International? A. Yes, sir; did business there for a couple of weeks and went back.

By the Chairman:

Q. Did you say you closed him up? A. Yes, sir; it was through me exposing him.

By Mr. Goff:

Q. How about 8 Barclay street? A. There has been no poolroom there for some time.

Q. There is a gambling-hell there, is there not? A. No, sir; No. 3 Barclay.

Q. About 8, the other side of the street? A. That is sat down on.

Q. How about the Merchants' Hotel; is that running now? A. No, sir.

Q. How about the place over Knox, Broadway and Fulton street; is that in operation? A. Well, I haven't been there.

Q. How about that place in Ann street, 13. or 15 Ann street? A. I am not sure whether that is running.

Q. Has there been a closing up of many in New York? A. Oh, yes.

Q. Since this committee came down from Albany? A. Yes; this one I just mentioned now — there is another place I will tell you which has been closed up since the committee has been here; that was in Park row, near Staats Zeitung; there are two poolrooms there; I don't know the number; in a little tailor store; you couldn't buy a suit of clothes there if you paid \$500; he has only one piece of cloth in the window; back of the store is the poolroom; the cloth is now removed from the window, and there is nothing there.

Q. Did Mike Callahan have a place there? A. I don't know.

Q. You played policy as well as the pools? A. No; I am satisfied with losing my money on the horses without hitting policy.

Q. You used to play policy? A. Yes, sir.

Q. How about the policy shops in New York? A. A good many.

Q. A good many of those running? A. Yes, sir; on Seventh avenue you can find them in every block; just follow a nigger woman and you are sure to find one.

Q. And you are sure to land up in a policy shop, is that it? A. Oh, yes.

Q. Did you ever meet any of your friends, the police, in those policy shops? A. Oh, yes; many times.

Q. In the poolrooms and in the policy shops? A. In the poolrooms and in the policy shops, both.

By Mr. Goff:

Q. Did you ever see them play straight or place? A. Yes, sir; they are fiends for horses.

Q. How are they on policy. A. I do not know much about them playing policy, but I know a good many of them are great horse fiends; my friend, Mr. Sheridan, was a great horse fiend, and known as a horse fiend in the Second precinct.

Q. Officer Sheridan? A. Yes, sir.

Q. You have visited Guttenberg occasionally, haven't you?
A. Oh, I have.

By Senator Bradley:

Q. That is one of your stand-bys, isn't it? A. Last season I made \$1,000 at Morris Park and Sheepshead and went down to Coney Island and dropped it.

By Mr. Goff:

Q. Made it in Morris Park and went down to Coney Island and dropped it? A. I did; that is, with a woman, and Brighton Beach track, and the woman got the most of it.

By Senator Bradley:

Q. Was that in Brooklyn; you dropped it in Brooklyn? A. It was Coney Island.

Mr. Ransom.—That is Brooklyn, Senator; such a resort of dissipation.

By Mr. Goff:

Q. Now, I want you to tell us about your friend Sheridan; were you present in the Merchants' Hotel when a little trouble took place between himself and a man named Lynch? A. Oh, yes; not only a trouble with him but with myself as well.

Q. When did you go in there? A. I went in there about 2 o'clock in the afternoon.

Q. When was this? A. I think it was the 3d of April.

Q. This year? A. Yes; and I went in to play —

Q. What is this place; please describe it? A. It is a second rate hotel, and this man, Harry Poynton, from Jersey City — you know I lived in Jersey City quite a number of years — Hoboken.

Q. What about Harry Poynton? A. He had a poolroom there and started a small book down on the floor from the street, but flight of steps back of the saloon.

Q. Sit up and talk out to this gentleman? A. Well, he had five or six customers there for a few days and we kept drumming up trade for him.

Q. When you say we, whom do you mean? A. Smith and Lynch and myself.

Q. Jersey City citizens? A. Yes, sir.

Q. Well? A. He got to do such business that he went upstairs on the next floor and parlor and frontroom, and took all the furniture out and left a few chairs there, one and a half dozen chairs, and put in a small desk, and started a little pool-room there, and in a little room off there a telegraph ticker and had a card on the wall inside and the blackboard, and used to call the odds off in the room with the ticker and make your bets then; I made three bets there.

Q. This day in question that you and Lynch and Smith went in there? A. I was there, in there, at 2 o'clock, about that time; yes.

Q. Who did you see there when you went in? A. There was Harry Poynton there and Lynch and Smith and Shields and half a dozen others and poolroom touts and that sort of business — fellows I know.

Q. What took place there? A. It was about 5 o'clock in the afternoon when Lynch went out to make a bet — a dollar bet.

Q. A dollar bet? A. I had made three bets myself, \$2 each; won one and lost two; that was on New Orleans.

Q. The race was in New Orleans? A. Yes; I can give you the odds if you want it.

Q. Never mind; now, you went up to make a bet and Lynch went up to make a bet? A. No; not Lynch, but Shields.

Q. And he offered \$1? A. He offered \$1 to make a bet, but Harry Poynton was sitting behind the desk like there (indicating); he sat behind the desk where he recorded the bets and Shields handed him \$1 and he pushed it off, and said, "Go to hell with your dollar; let me take those \$5 and \$10 bets;" there was a fellow in there that had plenty of money there that day, and he was anxious to get a good thing that he thought would go there, but he lost.

Q. What next took place? A. And Shields began to abuse Harry Poynton that he would not take his \$1; he said, "You were only too glad when you were down stairs to take a \$1 bet; now, you being upstairs and got a backroom, you don't want any \$1 bets, and Lynch took his part; they came back to the desk where I sat and kept abusing Harry Poynton, and called him different names, and one thing and another, and talking among themselves and with me, and Harry Poynton got up and walked up to Lynch, and said, "You big son-of-a-bitch, if you don't shut up I will throw you out of here;" he said, "You ain't big enough;" with that, Mr. Sheridan sitting alongside the desk with Harry Poynton, he jumps up and comes over and joins Harry Poynton and drew his billy.

Q. Wait a moment; when you say Sheridan, do you mean Officer Sheridan? A. Yes, sir.

Q. Was he in plain clothes? A. Oh, yes.

Q. Did you know him? A. I did.

Q. Knew him to be a police officer? A. Oh, yes.

Q. Ever see him there before? A. Oh, yes; I have seen him many times.

Q. Was he there when you went in? A. I did not go in there every day; I used to see him sitting there; there was two chairs alongside the desk where Harry Poynton sat, and this Sheridan used to be sitting there most of the time.

Q. Sheridan used to be sitting there most of the time? A. Most of the time, in the afternoon.

Q. What did he appear to be doing? A. I see him—I bet once or twice, and he did not seem to be doing much in particular, except talking to Harry Poynton.

Q. You knew he was a policeman at the Church Street station? A. I knew he was a wardman at the Church Street station.

Q. When this quarrel took place, you saw Sheridan get up and draw his billy? A. Yes.

Q. What then occurred? A. He took hold of Lynch by the coat collar and smashed his face with his billy, and cut his lip, and tore his coat, and hit him on the top of the head; and Harry Poynton grabbed another fellow, and another one grabbed me, and out we went.

Q. When you got downstairs, what occurred? A. He started to punch us with his fist.

Q. Punch you with his fist? A. Yes.

Q. Did you stop on your way going downstairs; did you take a rest, or anything? A. No; we were pushed all downstairs; and there was a woman came running out of the rooms screaming murder and police, and one thing and another, and begged one of them not to murder us.

Q. Were you bleeding? A. She begged of Sheridan not to hit him any more; she thought he was going to die; no; I was not bleeding; I was not hit with the billy.

Q. Was Lynch bleeding? A. Yes; he was cut in the mouth and commenced bleeding, and shirt all covered with blood.

Q. Now, do you remember the woman's name? A. No, sir.

Q. She ran out screaming? A. Yes.

Q. I want to ask you if, before you were punched downstairs, at the head of the stairs, didn't Sheridan knock Lynch down? A. He hit him on the top of the head with the billy and knocked him down, but did not cut his head.

Q. Knocked him down with the force of his blow? A. With the force of his blow, and we lifted him up.

Q. It was after the assault took place inside? A. Yes; inside; it was just outside the door.

Q. Did Sheridan follow you downstairs? A. Oh, yes; had hold of us.

Q. And when you got to the foot of the stairs, this woman ran out? A. No; the top; got up on the way downstairs, on the first landing, and she rushed out of the room.

Q. And she shouted out what? A. Shouted out not to murder the man.

Mr. Ransom.—What has this testimony to do with our work here; the fact that a wardman was in a policy shop and went there every day.

By Mr. Goff:

Q. What took place then? A. We were pushed then down to the door on West street side; and when he got us down, just before we got to the stoop, the steps lead from West street into the hall, he started to punch us with his fist; I said, "What is the use of knocking hell out of us, and why not take us down and make a charge against us?"

By Chairman Lexow:

Q. What is the use of going into the details, as we have got the facts of the assault?

Mr. Goff.—There are more things connected with this than the assault.

Q. When you got down, what next took place; I can not jump from fact to fact; I have got to let the narrative go in? A. They took us down to West street, around the corner into Cortlandt; two officers came in from West street and joined Sheridan up the stoop; one grabbed Lynch, one grabbed Smith, and I stood betwixt the two, and they started punching too.

Q. They started punching? A. Oh, yes.

Q. With their clubs or fists? A. With their fists; they took us around the corner down to Cortlandt street, with the intention of locking us up, and Sheridan had run up in the meantime upstairs, and tried to get Harry Poynton to make a charge, and he would not, and he let us go.

Q. To make a charge against you? A. I suppose so.

Q. Against you? A. Against Lynch and myself.

Q. What was the names of the officers? A. Moody and Muller and Sheridan.

Q. Did you go to the station-house? A. Not accompanied by them; no.

Q. Where did you go after you left there? A. We went to the station-house; they did not go with us.

Q. What did you go to the station-house for? A. To make a complaint against Officer Sheridan for maltreating us.

Q. Who did you see there? A. The sergeant.

Q. What was his name? A. Sergeant Bliss; I don't know the other man's name.

Q. What did you say to the sergeant? A. He explained our case, and he says—just then Captain O'Connor came out of the private room, and said, "What is the trouble, sergeant?" and someone, as we turned around to go toward the captain to tell him our trouble, someone says, "Oh, they are drunk."

Q. Well? A. We went to Captain O'Connor, and tried to state to him, and he says, "You can not get any satisfaction here; go up to court;" mentioning some court; I don't know which it was.

Q. Did he say anything about having such an officer in the station-house? A. I described the wardman to him—Sheridan—and described his dress and everything, and he said he had no man in the station-house of that name; and I said I know better; I have seen him; I know almost all of them that had duty down here.

Q. Where next did you go? A. Some officer came along in citizen's dress and tried to get Lynch to drop the case; and Lynch accompanied me to the World office, and there I asked to see the reporter, Mr. Latshaw; and he took it down, and we swore to the affidavits before a notary and so forth; and we went down to the station-house again, and tried to get a little information there, and went to the hotel again, and Officer Sheridan met us, and was going to strike us again; after we left the station-house the first time, going to the World office, Sheridan in the meantime had come up from West street, and was crossing the street, and rushed over to Lynch again, and said, "You sucker, you come here looking for more satisfaction;" he was going to hit him again, and put his hand on his hip-pocket.

Q. You recognize that Officer Sheridan as the man on the stand to-day? A. Yes, sir.

Q. Did you attend to police headquarters, on a charge there? A. I did.

Q. Made by Lynch and Smith? A. They didn't want to come here.

Q. When they did come there; what was done to them? A. He was put in the house of detention.

Q. Locked up in the house of detention? A. Yes.

Q. And have you ever seen Smith since, or Lynch? A. Oh, yes; I have been over to see them.

Q. Been over to Jersey? A. Yes, sir; I was three days to get them to come over here, and twice I got them to come there.

Q. Testify before this committee? A. No; to come up before Judge Taintor.

Q. Have you seen Lynch since the time you went over to get him to come here before Judge Taintor? A. Yes, sir; I saw him down at the Brooklyn handicap.

Q. Did you say anything to him about coming here to testify? A. No; I didn't want nothing to do with him.

Q. You attended, as I understand, as a witness at police headquarters in this matter? A. I did; yes.

Q. Did you ever see Captain O'Connor in relation to this matter? A. Since then?

Q. About it at all? A. No, sir; never spoke to him since.

Q. Did you talk with him then? A. That day, yes; the day of the assault.

Q. Captain O'Connor? A. Yes; the day of the assault.

Q. I didn't understand you to testify you had seen Captain O'Connor? A. Yes; he spoke to me, and he told me we could not get any satisfaction there; I done most of the talking.

Q. The captain told you you would have to go to court and get satisfaction? A. Yes, sir; that is, he said we could not get any satisfaction there; we would have to go to court; he mentioned some court; I do not know which it was.

Q. I want to ask you about the existence of some of the poolrooms in Captain O'Connor's district there, or his precinct; do you know the poolroom at the Merchants' Hotel, of which you have testified? A. Yes, sir; it was there two months.

Q. Do you know the poolroom at the Glen Island Hotel? A. That was there before he went to the Merchants'.

Q. Cortlandt and West streets? A. Yes, sir.

Q. Do you know the poolroom at 15 Barclay street, in the saloon there? A. No. 15 Barclay street?

Q. Yes? A. I do not.

Q. Do you know the poolroom at Rheinhardt's Hotel? A. You mean No. 3 Barclay street, I guess.

Q. Do you go to Rheinhardt's Hotel, too? A. Yes, sir.

Q. That was open? A. Oh, yes.

Q. Isn't there a hotel down near South Ferry, where there is a poolroom in full blast? A. I don't think it is open now.

Q. Was there one now? A. Yes.

Q. What was the name of the hotel? A. Next to a man I used to work for in the Hoffman House; I forget his name now; he had charge of the Hoffman House when I worked for him; Peter Hartman.

Q. Hartman's Hotel? A. Yes.

Q. Is that the hotel? A. It is, or the next one to it.

Q. By the way, you worked in Hartman's Hotel, didn't you? A. I worked for Mr. Hartman when he was in the Hoffman House, in Beaver street—the Hoffman cafe.

Q. Do you know the character of Hartman's Hotel? A. Well, you find all the sports you want there in the night, if you want to go through the cigar store, and wine door, and Sundays and weekdays.

Q. Isn't it a hotel frequented by women of loose character? A. Yes; whenever I come up from Coney Island with a woman we went right in there.

Q. You have frequently gone into Hartman's Hotel? A. Yes; he is a great friend of mine.

Q. That is an old stand there? A. Yes, sir.

Q. He is an old friend of yours, you say? A. Oh, yes; he was a very good man to me.

Q. He does not own the house? A. The partnership, when he took the house, was between what used to be Fred Loud and Peter Hartman, the man that used to be manager for Ed. Stokes.

Q. They only rented the house? A. I think they bought it; I am not sure whether they rented it or bought it; Fred Loud used to come there and take the receipts, and they threw him out.

By Chairman Lexow:

Q. They would throw him out? A. Yes; he used to come there and take the receipts and do nothing for it, and they got tired of that.

By Mr. Goff:

Q. Did you ever hear of anybody else being interested in that building or hotel? A. Not outside of Peter Hartman and Fred Loud.

Q. That is in Devery's precinct, isn't it? A. Yes.

Q. Didn't you hear the name of the owner of the building? A. No, sir.

Q. To whom Loud and Hartman leased the house? A. No, sir; I don't know anything about that.

Mr. Goff.—That is all; you may examine.

By Chairman Lexow:

Q. Do you know whether Officer Sheridan received any money from that poolroom? A. No, sir; only that we know that from frequenting poolrooms, the same as anybody else who goes among these steering people, and it is a well-known fact amongst all of them that they pay the police for protecting the place and looking out to see there are not any disturbances in the place, and throw anybody out that makes a disturbance, and all that kind.

Q. Do you know how much that poolroom you spoke of paid in the way of protection? A. No, sir.

Q. You don't know? A. No, sir.

Q. Did you ever see the owner of that poolroom hand any money to Officer Sheridan? A. I have seen him make bets there and receive money.

Q. Did he make bets with his own money? A. I don't know whether it was his own money or not; I have seen him get money from Poynton in there.

Q. Saw him hand money over to him? A. Yes; whether it was the result of a bet, I don't know; I presume it was bets he made.

Q. How many times can you say, at least, you saw Sheridan in that poolroom? A. I can remember five or six times anyway.

Q. And every time you were there, you saw him there? A. Sitting in that chair; there were only two chairs at the desk besides Henry Poynton and the sheetwriter; there were four chairs all there; Sheridan sat there, and Harry Poynton and the sheetwriter sat behind the desk.

Q. And to your knowledge at that time, Sheridan was wardman in that district? A. He was wardman; certainly.

By Senator Bradley:

Q. In any of the poolrooms at all — you visited most of them — did you see them pay any policeman for protection? A. I saw a man in Fourteenth street give a man one time.

By Chairman Lexow:

Q. How long ago was that? A. That was some time ago.

Q. A year ago, or a month ago, was it? A. It must be pretty near a year ago.

Q. Was he in uniform? A. No; he was not in uniform.

Q. In citizen's clothes; how much money? A. I don't know how much; I have seen them after the poolroom was cleared out, I have seen them come in and get money through a little brass door.

Q. How many times have you seen that done? A. I have seen it done once up there.

Q. Was that the wardman or patrolman? A. A wardman; that is, I have seen him in uniform on some street.

Q. Do you know his name? A. No, sir; I have seen him in uniform.

Q. What precinct was that in? A. I don't know what precinct it is; it is opposite the Union Square Hotel.

Q. Do you recollect any other instance of the payment of money to policemen in the poolroom? A. Well, I knew they got to pay; I did not see; I think I have seen once, No. 3 Barclay street, where a man came in the barroom and got something, but he did not get it from the poolroom man; he got it from Warden Flynn; that is, he kept the saloon; he used to be a wardman himself.

Q. Do you know how much? A. No, sir.

Q. What was that? A. About a year ago; it might be more.

Q. Did you see policemen in each one of these poolrooms you have described? A. I have seen them in Cortlandt street; I have seen them in No. 3 Barclay street, and seen one in Fourteenth street.

Q. On one occasion or frequently? A. Well this down at Merchants' Hotel, I have seen it frequently, and 3 Barclay street frequently, and only once in Union square.

By Mr. Goff:

Q. I want to ask you, just to carry you back for one question — when Lynch or Smith or Shields said to Poynton that he was getting stiff, or something of that kind, did you hear him call to the policeman anything? A. No, sir.

Q. Did you hear him say to Sheridan, "George, put them out?" A. No; he called to the man at the door, the bouncer — not the bouncer — the man that is stationed at the door; if you are not known there, they won't let you in; he called Johnnie; that is what he called him, Johnnie; Johnnie is the man stationed at the door, outside the door as you go in; and if you are known amongst the poolrooms they would let you in, and if you are not, they won't; if you said you wanted to get a bet down, or something of that effect, you could get in.

Q. Haven't you heard there was a high police official interested in the Hartman Hotel, or the hotel itself? A. No.

Mr. Ransom. — Do you think that ought to be taken?

Chairman Lexow. — That is going a little far, that hearsay. I don't think that is competent. Do you know of a policeman interested in that? A. Not in that hotel.

Senator Bradley.—Do you know it in any other hotel?

Mr. Ransom.—Will you admonish the witness the question is “Do you know.”

By Senator Bradley:

Q. That was my question; do you know; do you know of any official having an interest in any other hotel in which this business is carried on? A. No, sir.

By Mr. Goff:

Q. There is one question about 512 Sixth avenue; do you know that? A. I don't know anything about it, sir.

Q. You don't know that number? A. No;

Q. That place? A. No.

Chairman Lexow.—Is that all, Mr. Goff?

Mr. Goff.—Yes, sir.

Cross-examination by Mr. Ransom:

Q. Where do you live now? A. I live at 22 Fourth street, sir.

Q. In New York city? A. Yes, sir.

Q. You have lived there how long? A. Two days.

Q. You go about, I suppose, from place to place pretty frequently, don't you? A. I go all over the country, you might say.

Q. You live about in different places; you do not stay long in one place? A. I moved day before yesterday on account of the people moving to Harlem; I had to get out.

Q. Do you expect to move again in a day or two, or week or so? A. I expect to move within a week and go in the country.

Q. Do you move frequently? A. No, sir; I do not; I stay in a place, except when I take trips to Philadelphia.

Q. I understood after a man was well known he had no difficulty in getting in? A. Yes, sir.

Q. You are well known in the poolrooms? A. Yes, sir; they call me the plunger at the track.

Q. I am speaking about poolrooms; you were well known at the poolrooms? A. Oh, yes.

Q. And you had no difficulty in getting in? A. No, sir.

Q. You make large bets, do you? A. I have, sometimes.

Q. I mean in the poolrooms? A. Some I have.

Q. Do you fancy you would have any difficulty, after your testimony here to-day, in getting in one of the poolrooms? A. No; I am likely to go in now after I leave the room.

Q. After your testimony is printed in the newspapers to-morrow morning you can get in? A. I think I would.

Q. You think these people would make any difference? A. They would if they knew my name.

Q. You don't have to give your name when you go to the pool-room? A. Oh, no.

Q. They always know you by your face? A. Yes.

Q. I am curious to know how it happened you came here to testify in this investigation? A. I would not be here only on compulsion, that is all; a man followed me for three days.

Q. Who was it compelled you to come? A. A man followed me out in the country for three days when I was selling whips in Glen Cove, Long Island; and when I went in the house for something he followed me going upstairs.

Q. You mean he served a subpoena upon you? A. And said if I did not come he would give me a year.

Q. You believed that was so? A. Well, I subpoenaed one man, and my counsel told me that he could punish him if he did not show up; I gave him a subpoena and legal 50 cents and he did not show up, and my counsel told me if he did not obey the subpoena he could be imprisoned, and I did not want to take chances.

Q. Do you remember of the time of what Mr. Goff calls the transaction with Lynch and Smith; I understood you to say in your testimony to Mr. Goff that you went up to the World office, and there you made some affidavit; is that right? A. We drew up the papers in the World.

Q. You said affidavits? A. We drew up affidavits and had them signed before a notary in some other building.

Q. You say we drew up affidavits; who do you mean? A. There was four of us; myself, John J. Lynch, and Smith, and Shields.

Q. Who was it wrote the affidavits; who handled the pen? A. I think I dictated mine myself.

Q. Who handled the pen? A. I did, myself.

Q. You mean you wrote it with your own hand? A. I think I did; that is, I signed my name to it.

Q. Don't you see what I am getting at; this affidavit was a paper which was written out? A. The reporter drew that up on a piece of foolscap paper, and I read it over and signed my name to it.

Q. Was the notary there? A. Oh, yes.

Q. How many affidavits were used that day? A. We signed one apiece.

Q. Four of you? A. Yes.

Q. What was done with them? A. Taken before Inspector Byrnes, and we signed three or four up there that I never read at all; I don't know what I signed up there.

Q. You did? A. Yes, sir.

Q. You mean you signed affidavits you never read? A. I dictated an affidavit to another man, and I signed another paper I did not read.

Q. Was it an affidavit? A. I did.

Q. Did you swear to it? A. Yes; one I read and one I did not; one paper was slid over the other, and I signed my name.

Q. You are pretty careless of your oath, are you not? A. No, sir.

Q. Did you testify on the trial of Captain O'Connor before the police commissioners? A. Did I what?

Q. Testify as a witness on Captain O'Connor's trial before the police commissioners? A. I think I was there 10 days.

Q. You were not testifying 10 days? A. Pretty near; they had me on the stand every day.

Q. Did you say there to them you had signed and sworn to six affidavits which you had never read? A. Six?

Q. Yes? A. I said I had signed lots of them; some of them I never read.

Q. You admitted to me there was one affidavit you signed you had never read; how many more were there you never read? A. Some in the district attorney's office.

Q. That you never read? A. Yes.

Q. You swore the affidavit was true before the notary? A. He was a notary, I suppose; when I was before the district attorney he did not take me before a notary.

Q. Somebody in the district attorney's office swore you to it? A. No, sir.

Q. When you were in the district attorney's office you understood it was an affidavit? A. Statement—complaint or statement.

Q. You understand me, I suppose; did you swear to it? A. No; I signed my name.

Q. Now, you have made a distinction, William, which I think is clear, and I suppose you understand me; I think I understand you, that you did make one affidavit which you did not read and swear to it? A. That is one in Superintendent Byrnes'.

Q. You did make one? A. More than one.

Q. You did more than one? A. Yes, sir.

Q. How many affidavits do you think you made in regard to this Lynch and Smith transaction down to the poolroom that you did not read, which you swore to? A. I think I signed three or four I did not read.

Q. Did they have to do with this transaction as it is called down to the poolroom? A. Yes, sir.

Q. Where Sheridan was accused — where Sheridan clubbed the man? A. I would like to tell you how that was; I brought in my affidavits three poolrooms I visited every day for two months, besides the Merchants' Hotel, and I put them in my affidavit, and instead of putting those down I signed a paper, where they had No. 3 Barclay street.

Q. You see it is a little curious to the rest of us around here how it is that you now say that there was something put in these affidavits which you signed and did not read? A. I did, not read them; no, sir.

Q. How do you know? A. I know what I read.

Q. I am speaking of the affidavits you did not read; there were three or four of those? A. Yes, sir.

Q. And those papers, as you understood, had something to say about the Sheridan clubbing scrape down at the poolroom? A. I did not know; I did not know the other paper I was signing, whether it was merely a matter of form or statement; I knew I signed one paper that I did read, and besides that I signed another; the paper I signed at Superintendent Byrnes' was that long (indicating, the full length of a sheet of legal cap); the statement I gave; and when I came to find out there was one statement that long (indicating a shorter statement), I did not swear it at all.

Q. The only way you could swear to these papers was the measurement; some short ones and long ones? A. One was on top of the other.

Q. These three or four affidavits, which you call them, which you say you swore to and did not read, were they written at the same time that the other affidavits that you did read were? A. I don't know; I know they drew up one paper, and I signed that, and signed others underneath it; and they moved the piece of paper from one to the other; I will show you how that was done; this paper I dictated and signed it at the bottom; and he moved the paper and asked me to sign there too (indicating by two pieces of paper); and I did sign it, too.

Q. Who asked you to sign there, too? A. The man that had charge of it in headquarters.

Q. That was when you were telling the story of the Sheridan assault? A. Yes; I was, about the poolrooms.

Q. That is when you signed the papers? A. About the poolrooms in Captain O'Connor's district.

Q. The only time that you had ever been convicted of any crime was when you were sent off up to the reformatory? A. Yes; I plead guilty.

Q. You were guilty, weren't you? A. No, sir.

Q. You were not guilty? A. No, sir.

Q. You plead guilty and were sentenced to the reformatory?
A. No, sir; I thought I was going out the next minute.

Q. You were sent up to the reformatory? A. Yes, sir.

Q. Who was it, do you remember, that advised you to plead guilty? A. Some man in the courtroom said, "Boys, you had better plead guilty and you will get out all right."

Mr. Ransom.—I don't think I want any more.

Chairman Lexow.—Any questions?

By Mr. Goff:

Q. When you speak of signing affidavits without having read them, when you signed them, you did not mean to include the affidavits you signed the night of the occurrence? A. Those I read.

Q. Those were the affidavits that were prepared for you by Mr. O'Neill? A. Mr. O'Neill and the reporter, Mr. Latshaw; I signed as I read each one.

Q. Before you signed them? A. Yes, sir.

Mr. Goff.—That is all.

Chairman Lexow.—That is all. The next witness.

Mr. Goff.—Is James Lynch in court? (No answer.) Is George Ellison in court? (No answer.)

Chairman Lexow.—Have they been subpoenaed, Mr. Goff?

Mr. Goff.—Yes, sir.

Chairman Lexow.—Why don't you take some action against them?

Mr. Goff.—They have been subpoenaed in a great hurry this afternoon, and it may be they have a reasonable excuse, Mr. Chairman. Is Miss Hastings in court? Is Officer Delmedge in court? Officer, I want to see you. Is William H. Miller in court?

Charles Vincent Delmedge, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What precinct are you attached to? A. Twenty-sixth.

Q. That is Captain Murphy's, isn't it? A. Yes, sir.

Q. In West One Hundredth Street station? A. Yes, sir.

Q. How long were you on post? A. Three years November 18th—November 18th next.

Q. What commissioner appointed you? A. Commissioner McLean.

Q. To whom did you pay the money for your appointment; are you paralyzed? A. I think I ought to be.

Q. You look paralyzed; now, answer the question? A. I paid nobody any money.

Q. What did you do with the money you got to get on the force? A. I gave no money to get on the force.

Q. You did not? A. No, sir.

Q. It cost you not a dollar to get on the force? A. Not one penny, sir.

Q. Did you have any money when you got on the force yourself? A. No, sir; well — what do you consider money, Mr. Goff; what do you consider — \$5 or \$10, or how much?

Q. Yes? A. I might have \$5 or \$10.

Q. Were your moral sensibilities so shocked when I asked you the question, if you paid any money to get on the force, that you could not answer? A. Yes, sir.

Q. And your constitution was so delicate you could not understand such a question? A. It was rather sudden to ask a man such a question.

Q. Yes; it was rather sudden; you knew you were going to be asked that? A. No; I didn't expect that.

Q. Do you know what you were subpoenaed down here for? A. Well, I read in the papers.

Q. You read in the papers something about your name? A. Yes, sir.

Q. You knew what you were going to be subpoenaed for? A. Yes, sir.

Q. You knew that question was going to be asked you? A. I did not expect to be asked that question.

Q. You expected me to go more gradually at it? A. Yes, sir.

Q. Unfortunately, I have an abrupt manner; you did get money from somebody, didn't you, for the purpose of getting on the police force? A. No, sir.

Q. At the time of your appointment? A. No, sir.

Q. Not a dollar? A. No, sir.

Q. For any purpose? A. The money I borrowed was 18 months before I got on the police force.

Q. When did you get on the police first? A. It would be November 18th — this November 18th it will be three years.

Q. November 18, 1891? A. Yes, sir; 1891.

Q. When did you borrow the money from Mr. Stein? A. I believe it was 1889; I am not positive; I think it was in 1889.

Q. Had you any contemplation of going on the police force when you borrowed it in 1889? A. I don't think so.

Q. What did you borrow the money for in 1889? A. I had just lost my mother previous to that, three or four months, and my folks were in pretty hard circumstances; and my father and sister and brother and mother looked toward me; we had the diamond cross in the family upwards of 30 years, and I say we were in pretty hard circumstances, no prospect of money coming in; I was fireman on a tugboat in the river, and my mother died, as I said.

Q. Talk a little louder; well, officer? A. Shall I go on with my story?

Q. Yes; go on with your story; go on with your story; you were speaking about a diamond cross? A. A diamond cross that was in my family upwards of about 30 years; I spoke to my brother—no; my brother spoke to the family first about selling the cross and my sister and father were not in favor of it; so he said he would speak to Mr. Stein, to raise a loan on it, and they were all in favor of it, and my brother was employed by Mr. Stein six years; and he went to Mr. Stein and showed the cross, and he had the cross valued at \$250 by a friend of his; and my brother and myself came to some agreement; I don't know but he was willing to loan \$325; I believe my brother got \$75 of it and I got \$250 of it; \$129 of that went to pay the funeral expenses of my mother; \$90 went to pay for five months rent in arrears; my sister was very sick at that time, and I sent her away upwards of three weeks to New Hampshire; that is what became of the money.

Q. That is the whole story? A. Yes, sir.

Q. Now, let us see; when did you make your application for appointment to the police force? A. May, I believe, 1889.

Q. In May, 1889? A. Yes; I applied to Cooper Institute—filed my application.

Q. Now, that was a little before you borrowed this money, wasn't it? A. Yes, sir; oh, yes.

Q. When did your mother die? A. In March, previous to that.

Q. In March? A. Yes, sir.

Q. Previous to the May you made your application? A. Yes, sir.

Q. In May you made your application? A. Yes, sir.

Q. And who was the undertaker? A. Darcy Brothers, of East Eighty-ninth street.

Q. What? A. Darcy Brothers, of East Eighty-ninth street.

Q. Are they there now? A. I believe both of them are dead; I am not sure; one of them I know is, but the other I don't know.

Q. Have you got a receipt? A. Well, I guess the receipt must be home some place, I will look it up.

Q. You got the receipt when you paid the money? A. I did not pay the money; I turned the money over to my sister.

Q. When did you turn it over to your sister? A. The day I got it from Mr. Stein, when he paid me \$250.

Q. What day was that? A. It was in August I got the money from him, or in July, I don't know which.

Q. When did you pay the—you paid the undertaker the very day the money was turned over to you by Mr. Stein? A. A day or two; I don't say positively that day, but it was the next day.

Q. Did you tell Mr. Stein you wanted the money in connection with getting on the police force? A. No, sir.

Q. Mr. Stein has sworn here? A. I told Mr. —

Q. Listen; Mr. Stein has sworn here that you told him you needed the money to get on the police force; did Mr. Stein, in swearing to that, swear to what was true or false? A. If he said I said so, he swore false.

Q. I put my question again; read the question? (Question read by stenographer.) A. Well, Mr. Goff, what do you mean by saying getting on the police?

Q. I am asking you the question? A. If he said for my appointment, he swore falsely.

Q. I didn't say that, not your appointment? A. I would like to know the question a little plainer; I don't understand the question.

Q. Read it again? (Question again read to witness.) A. Well, he would swear what was false.

Q. Did you ever say to any person at that time that you needed this money to get on the police force? A. No, sir.

Q. Did you send any person to Mr. Stein? A. My brother was employed there.

Q. Your brother? A. Was employed there.

Q. Did you ever say to your brother you needed the money to get on the police force? A. No, sir.

Q. What were you working at at the time? A. I was fireman on a tugboat.

Q. And your brother was employed? A. Yes, sir.

Q. Any other members of the family employed? A. No; my father was agent; nothing—that is, my father was in the real estate business.

Q. But he had been in that business for quite a number of years? A. Yes, sir; and had his ups and downs.

Q. And managed to support himself? A. No, sir; he was in hard luck, and had no office.

Q. The debts you had to meet were those connected with your mother's death and burial? A. Yes; and five months, I said, was in arrears, for five months' rent.

Q. What was the landlord's name? A. Shook, I believe, his name is.

Q. What house? A. As near as I can remember, 237 East Eighty-eighth street; the first house off of Second avenue.

Q. The first house off of Second avenue? A. Yes, sir.

Q. How came it to be the first house off Second avenue? A. That is, west of Second avenue, in Eighty-eighth street.

Q. You don't mean to say 237 runs all the way from the corner of Second avenue to Third avenue; 200 commenced at Third avenue? A. Yes, sir.

Q. Do you mean to say it runs to the other corner? A. I don't remember.

Q. Two hundred and thirty-seven would be near Third avenue? A. Yes, sir.

Q. Can you give a better location of that house? A. It is the first house west of Second avenue, on the north side of the street.

Q. The landlord is there yet? A. No, sir; no, sir; he sold the house, I believe, some years back.

Q. Where is he? A. I don't know, sir; I have been away from the east side upward of three years.

Q. And out of the \$325 that Mr. Stein has sworn that when he wanted the money paid, that yourself and your brother, or one of you, gave him this diamond cross in part payment? A. No, sir.

Q. And he kept it in his safe? A. That cross, Mr. Goff, was given him as security.

Q. Drop your hand? A. That cross was given him as security for that money.

Q. You mean to swear that that cross was given to Mr. Stein as security for this money — \$325? A. Yes, sir.

Q. Who borrowed the money from him? A. Jointly, my brother and myself.

Q. Your brother and yourself borrowed the money? A. Yes, sir.

Q. Who handed him the cross? A. I did.

Q. Who did? A. I did.

Q. Oh, you handed him the cross? A. Oh, first my brother brought it down for inspection for him, and he had it valued.

Q. Now, that is your signature (showing witness paper)? A. Yes, sir.

Q. That note is dated August 8, 1890? (Witness nods his head yes.)

Q. You recognize that, and your brother's signature? A. Yes.

Q. Your mother died in April? A. In March.

Q. Of that year? A. In 1890; yes, sir.

Q. March, April, May, June, July — five months? A. Yes.

Q. And you and your brother had been earning money for five months? A. My brother was married, and did not live with us; what he earned I do not know.

Q. And you were not able to pay the funeral expenses for your mother or the rent of the house? A. No, sir.

Q. Until you got the money of Mr. Stein? A. No, sir.

Chairman Lexow.—I understood the witness to testify his mother died in 1889.

Mr. Ransom.—He says he thought the transaction was in 1889.

Q. When was it? A. It was the time the note was given; I am not positive whether it was in 1889 or 1890.

Q. Deposited; let me remind you of this fact, that the record of your mother's death will be found in the bureau of vital statistics; will you bear that in mind? A. Yes, sir.

Q. When did your mother die? A. March 29, 1890.

Q. Now, you are clear about that? A. Yes, sir.

Q. And up to the 8th of August you had never paid a dollar to the undertaker for the funeral bill? A. No, sir; never.

Q. That undertaker is dead? A. That I am not positive; one of them I know is dead; they were brothers in partnership.

Q. Why, if you wanted to pay the undertaker's bill so badly, about that time, after you had made an application for appointment on the police force, why didn't you raise the money on this diamond cross directly? A. I told you, as I say, my father's real estate business, sometimes he has luck, and sometimes he has a sale and makes \$200 or \$300, and sometimes he has hard luck.

Q. You were waiting from March 29th up to August 8th, for your father to strike luck? A. We couldn't do otherwise.

Q. Why didn't you wait until the season opened, the fall season, to see whether your father would not strike luck then? A. Well, you see the undertaker was looking for the money, and the cross was in the house.

By Chairman Lexow:

Q. When were you appointed, officer? A. November 18, 1891.

Mr. Goff.—Eighteen hundred and ninety-one; that is a year after.

By Chairman Lexow:

Q. When did you make your application? A. Around that time; that is, I filed it at Cooper Institute.

Q. About this time?

By Mr. Goff:

Q. About the time of this note? A. Before that; May — that was in August; I borrowed it in May.

Q. That is three months after? A. Yes.

Q. And you had your rating then, had you not? A. No, sir; I did not come before the civil service until the paper filing.

Q. Had you done anything from the time you filed your application until you borrowed the money on this note? A. No, sir; you file your application, then you wait for the doctor's examination.

Q. When did you pass the doctor's examination? A. I don't know.

Q. Three months after you filed your application, wasn't it? A. Yes, sir.

Q. That would make it just the time you gave this note? A. Yes, sir.

By Chairman Lexow:

Q. Was this diamond cross given at the same time that the note was executed? A. Yes, sir.

Q. On the same day? A. Yes, sir.

Q. The same time the money was received? A. Turned over; yes, sir; that is, the \$250; there was \$75 paid previous to that; and the day I got the \$250, I turned the cross over too.

By Mr. Goff:

Q. Why was it your brother got \$75, and you \$250? A. That I don't know.

Q. Wasn't there \$75 for paying the doctor of the police department? A. No, sir.

Q. Wasn't there \$75 to go through your brother's hands at the time you passed the doctor's, and this note was given? A. No, sir.

Q. How do you account for it, your giving a cross that was valued only at \$250, which was the value of the cross, and your giving that as security for a note of \$325? A. Well, you see, the friend said — he had some friend of his to value the cross, I believe; the cross cost the family originally \$900; there is 29 diamonds in it; he had it valued by a friend of his, and his friend said it was worth at least \$250; and he said he was willing to give \$325; I did not speak to him about it; I was in favor of selling that cross; they were in favor of raising the loan.

Q. Your friend said he was willing to give him \$325? A. Yes, sir.

Q. Why did you allow the diamond cross to remain in the hands of Mr. Stein as security; why didn't you get \$325 on the cross right out? A. We did not want to sell the cross.

Q. Why didn't you redeem it from Mr. Stein, if you didn't want to sell it? A. I was intending to.

Q. You have been receiving your salary? A. A salary on the police force?

Q. Yes? A. Didn't you understand what Mr. Stein did with that cross; maybe he has not told you.

Q. I don't know and don't care? A. Do you want me to tell you?

Q. No? A. Have that privilege of telling, Mr. Goff?

Q. I did not know; he has the cross, he says; that is all? A. He told me, too.

Q. He got judgment against you? A. By default.

Q. Why did you allow judgment to go against yourself and brother, if they had good, sufficient collateral for this note? A. I did not have the money to fight the suit, tell you the truth, Mr. Goff.

Q. You made this note payable for eight months? A. Yes.

Q. Now, tell us again; we will be interested to know what was done with this \$325? A. I told you that there was \$129 went to the undertaker to pay the bill.

Q. Through your hands? A. No, sir.

Q. Whose hands? A. My sister's or my father; the money I turned over to my sister.

Q. How much money did you get from Mr. Stein? A. Two hundred and fifty dollars.

Q. And your brother, \$75? A. I believe it was him.

Q. You signed your name to the note of \$325? A. Yes, sir.

Q. That makes \$250 you got, and \$75? A. Yes, sir.

Q. What did you do with the \$250? A. One hundred and twenty-nine dollars went to the undertakers, and there was \$90 paid on the five months' rent in arrears.

Q. What did your brother do with the \$75? A. I believe he turned it to my father, or brought it to my sister; it was brought to the house; I don't know which one brought it.

Q. It was brought to the house? A. Yes, sir.

Q. If you had eight months' time, this note was made to mature from August 8th, it would run up pretty well when you were to get your rating, wouldn't it? A. No, sir.

Q. When you would get your rating? A. In April following that.

Q. Now, there is August to September is one, October two, November three, December four, January five, February six, March seven, April eight? A. Yes, sir.

Q. What? A. Yes, sir.

Q. Comes nicely in time, doesn't it? A. Yes, sir.

Q. It is wonderful how those things fall in; isn't it, officer?
A. Yes, sir.

Cross-examination by Mr. Ransom:

Q. Officer, I am permitted to ask you a few questions, and I want to ask you one; what was it Mr. Stein said he had done with this cross? A. He told me after he told my brother; he sold it to his mother-in-law for \$150, and she had broken it up.
Mr. Ransom.—That is all.

By Senator O'Connor:

Q. When did you first learn, after making your application, about the time you would get your rating? A. I don't understand your question.

Q. You first made your application? A. Yes.

Q. How soon after that was you informed you would get your rating? A. Well, you see you first file an application; I filed mine at Cooper Institute, and you wait for the doctors, and they come in four or five months, and after you pass the doctors successfully you wait for the physical, and that may be four or five months after that, and after the physical, two months for the mental, and after the mental, two or three months for the rating.

Q. Did you know in August, 1890, that you had your rating in 1891? A. I had it in 1891.

By Chairman Lexow:

Q. Did you know in August you would have it in April, 1891? A. Mr. Goff, I made a mistake in my rating; can I rectify my mistake; it was April 20, 1891, was my last examination on the mental examination; I did not get my rating until the August following; one year after that—the last examination.

Q. When was the examination; about the time? A. April 20, 1891; and I did not get my rating until August, 1891; and I was appointed in September of the next year.

Chairman Lexow.—Any further questions?

Mr. Goff.—No, sir.

Chairman Lexow.—That is all, officer. I think it only fair that the officer should have an opportunity afforded him to show

whether or not that was true, that these funeral bills were paid at that time, and these expenses met; and we do not want him to suffer under that reflection if that tale of his is true.

Mr. Goff.—Certainly not.

Mr. Ransom.—Where is there any reflection on the officer? He has testified under oath, very candidly, in regard to the payment of these bills.

Chairman Lexow.—It is this: that it is a strange coincidence that the policemen borrow from \$250 to \$350 just before they are appointed on the force, and while they are passing their examination.

Mr. Ransom.—Those applications apply to policemen. Your remark in the beginning was in regard to this officer. But in regard to this officer—

Chairman Lexow.—But he has borrowed about the same sum that others have apparently borrowed at the same time.

Mr. Ransom.—My remark related to the remark you made that the officer rested under a reflection.

Chairman Lexow.—That is it; that he, with all the others, simultaneously with the making of the application, and undergoing their examination, have borrowed from \$250 to \$350. This officer is giving a definite statement of what use this money was put to, and there is quite a lapse of time between the borrowing of the money and the appointment, and he having given those statements and given names, I suppose he ought to have an opportunity, if it is true, to make that proof.

Mr. Ransom.—He has an opportunity and the chairman has offered it to him and he is not seeking any assistance from me; I ask his pardon for suggesting and saying here he is under no possible reflection, in my judgment, and there is no reason why he should come here and try to bolster up his statement. If Mr. Goff, or the committee, think his statement is untrue, I have no doubt Mr. Goff will question the undertaker and the assistant.

Chairman Lexow.—You are not defending the officer, so he can take your hint or not, if he pleases.

Senator O'Connor.—The suggestion was made in the interest of this policeman. We do not want to unnecessarily smirch any officer. We want to do exact justice between these men against whom any evidence is given; possibly, you may draw inferences against him, and if he does not think it is to his interest to clear up any suspicious circumstances, that is his lookout. We are satisfied that he is.

Chairman Lexow.—Judge Ransom has overlooked the fact that the witness, otherwise creditable, has been on the stand and

sworn positively that this man told him the money was to be used to secure his appointment.

Mr. Ransom.—I want to say, in defense of this man, but his interest being admonished or advised by the committee in that friendly sense which Senator O'Connor speaks of, seems to be now quite plain to understand by the chairman of the committee that he is now resting under suspicion in their minds.

Senator O'Connor.—Not exactly.

Chairman Lexow.—The witness can draw what conclusion he pleases from it. I am frank to say he does, in my mind.

Mr. Ransom.—It was not necessary for you to say that, for everybody who heard your remarks knew exactly what your opinion was.

By Mr. Goff:

Q. I want to ask you, officer, here: Will you ascertain if either of the Darcey brothers are alive? A. Yes, sir.

Q. Will you search for the funeral bill and undertaker's bill? A. I will search for it; yes, sir.

Q. You will search for it with the intention of finding it? A. I will.

Q. Will you report here next Tuesday the result of your inquiries and searching; that will give you time? A. In the afternoon; it is my day off.

Q. Make it Wednesday, your day on, to accommodate you? A. Yes, sir; I will.

Mr. Goff.—That is all I want.

Chairman Lexow.—My suggestion, officer, is this: That we have got direct evidence here before this committee, connecting you with the procurement of money to secure your appointment. On the other hand, your testimony, I am frank to say, has made a strong impression on my mind, and that being the case, I should like to see the suspicion removed.

The Witness.—I thank you, sir, and I will give Mr. Goff dates and try to prove it is untrue.

Moses Berrman, called as a witness on behalf of the State, being duly sworn, testifies as follows:

Direct examination by Mr. Moss:

Q. You live at 26 Hester street? A. Yes, sir.

Q. And have a saloon there? A. Yes, sir.

Q. You have a son? A. Yes.

Q. What is his name? A. Isaac Berrman.

Q. Did your son take some money from a young man to keep for him? A. Yes, sir.

Q. What is the young man's name? A. Subirma; that is a nickname; I don't know how they call his name.

Q. Well, call it Subirma? A. Yes.

Q. How much money did he take? A. Ninety-five dollars.

Q. That was taken, you say, for safe-keeping? A. Yes, sir.

Q. Put in the safe in your store? A. Yes, sir.

Q. Did you have a call from some police officers about that money? A. Yes; a week after, a week or 10 days; I can not exactly say.

Q. Who were the officers? A. Foley and Schwartz, from the Eleventh precinct.

Q. What did they say? A. They came in and asked if I have got a son, and I told them yes; they said, "Where is he?" I pointed him out; "He is behind the bar;" they said, "I want to see him;" I said, "You can see him;" they said, "I want to talk with him;" they went to him and said, "Did you receive \$95 by a young man of the name of Morris Jacobson?" and my son said he didn't know what name it was; he didn't know any such a name; and he said, "You will come with me to the station-house;" and he went to the station-house with Schwartz and Foley, and when they went to the station-house they called up this young fellow before the sergeant, and he said, "That is the same boy I took \$95 of."

Q. That is the man you knew as Subirma? A. Yes; we don't know his name, because no one on the corner don't know his name.

Q. What day was that? A. That was on the 22d of November.

Q. Of 1893? A. Eighteen hundred and ninety-three; yes, sir.

Q. Who was the captain there? A. The captain was Devery.

Q. What happened after you went to the station-house? A. Then they said that my son, the money is in my hands, \$95, was given to me, when in the meantime he drewed the money and has got some balance; he can not recollect how much it is; he can not recollect how much balance he has got of the money; and the officers, Schwartz and Foley, came back with my son to the store.

Q. They brought him from the station-house to the store? A. From the station-house they took him back to the store and called for the balance of the money; then I told them my son don't give them any money because I don't know who the money belonged to; I don't know whether the boy stole any money or anything; I think it is left to a judge whether I will give the

balance, and I will not give it to them, because I don't know as they have a right to take it.

Q. There was some talk about it having been stolen money when it was deposited? A. Yes, sir; they came back and said the money was stolen; I don't know whether it was stolen or not.

Q. You wanted to be sure to whom you gave it? A. I didn't know it was stolen at the time he gave the money; they asked the boy, the young man, from where you got this \$95; he said, "I saved up from my work in the summer time, and now I am going to move from 29 Hester street to 88 Ludlow street, and I don't know people there, and don't know them, and can't trust them, and it is more safe; you keep it in that safe."

Q. They took your son back to the station-house? A. They did take him back to the station-house, and they got him arrested, and after awhile when they came back, and when my son —

Q. Who came back? A. Swartz himself, with a man of the name of Levy — Wolf Levy, and they came right in the store and he was in citizen's clothes at the time; they came back and called me back in the store, and said, "Mr. Berrman, I want to see you;" Mr. Swartz said to me, "I want to see you;" they called me back and Mr. Levy, both of them; Swartz said to me, "You know your boy is in a worse condition than the other fellow that stole the money."

Q. Your boy was in a worse condition than the boy that stole the money? A. Yes, sir; that is, the other fellow that stole the money; I said, "What is it?" the money was stolen by a man named Friedman somewhere and they found the money was stolen, too, and your son received the money and he is now in a worse condition than the thief that stole the money.

Q. Did they say how much he would get if convicted? A. No; I will tell you just the way he told them; then he says to me, "Well, Mr. Berrman, he is in a bad condition; he has got a show of getting from 10 to 15 years in State prison for it;" I said, "How is that? he didn't make any benefit and he didn't take any goods; he took money." He said, "It won't help you anything;" Mr. Levy, who was a friend of Mr. Swartz; he said, "Never mind, Mr. Berrman, we will fix up with Swartz, so it won't hurt you anything;" he said, "We will make it; you will be all right;" then he talked with Swartz, making it for Mr. Berrman; he is a friend of mine, an honest man, and in no trouble, and he don't know of no such business; his boy was the fellow that received it; he said I would receive his money too; make it for him; he should be all right; he said, "Mr. Berrman, if anyone else put me to such a trouble, it would cost

\$200, but as you are a friend of mine, Levy, I will make it to you for \$100, and it will cost you about \$20 or \$25 a lawyer;" then I said, "Mr. Swartz, what do you mean, a lawyer?" he said, "I will give you a lawyer to have;" I said, "I don't need a lawyer; I have my own lawyer;" he says, "Who is your lawyer?" I said, "My lawyer is John E. Brodsky;" "Do you mean to say you will put up J. E. Brodsky to fight me; even if you put up President Cleveland to fight; who is he; I can do whatever I want to; I can make it good or bad;" afterward, he said, "Mr. Berrman, I know what you are going to do; I will give you till 9 o'clock at night; I know what you fellows are going to do;" I said, "What do you mean I am going to do; I haven't got \$100;" he said, "You are going to your friends and take advice about this matter what I told you; anyway, if I find out you do take advice from your friends, then \$200 won't help you neither;" so he gave me this answer; I said, "I haven't got money;" he said, "I will give you until 9 o'clock to-night to receive the money," and he had a drink and cigars with Levy, his friend, and he went away, and when I see they went away, I went to see my attorney, John E. Brodsky, to see him about this; I went up to Chambers street and found him right in the office; I saw Mr. Brodsky, and I said to him, "I am in trouble for nothing at all and don't know what it is going to be;" he said, "What is it?" I explained it to him, and he said, "Well, what do you mean to do;" I said, "Officer Swartz wants me I should give him \$100 on it;" I said, "I don't know for what;" he said, "Don't you give him a cent; I know the fellow, and if you give him a cent, don't come any more to me; don't ask me anything;" then I took his advice and went away to Mr. Prince at 14 Grand street; he is the collector of the brewery where I get beer; then I called to him to see about the bonds at the station-house; I went to him, and said this matter, and told him the same thing, that my son is arrested for such and such a matter and Swartz wants me to give \$100; he said to me, "Don't give him a cent; I know him from the Twelfth precinct, and don't give it to him, and don't be frightened; the boy is an honest boy and no harm will come;" I said, "Mr. Prince, what shall I do; I have no bondsman;" "Well, I tell you, if I could go on the bond, I will go to the station-house; I have not got real estate; I will send you to John J. McAdam;" he owns real estate, and is a friend of Mr. Prince.

Q. You did go to the station-house and saw Sergeant Brennan?
A. I didn't go to the station-house; I first went to John E. Brodsky and afterward to Prince and after to McAdam for bond, then McAdam went with me to the station-house, and we

came to the station house, and the sergeant was in the desk, and he said, "I want to have this young man to take him out of bail;" "Well," he said, "You may not get him out of bail;" he says, "Why?" he said, "I have orders not to let him out on bail."

Q. Who was that sergeant? A. Hurley.

Q. And you offered bail for him? A. Mr. McAdam offered bail.

Q. And was he a real estate owner? A. Yes.

Q. And the sergeant would not let him out? A. No, sir; he had orders not to let him out, and Mr. McAdam went to Judge Ryan; it was after 8 o'clock at night, and Justice Ryan went to the station-house, and they took him out on bail, and it was about 9 o'clock already when they brought him up.

Q. You came to a trial? A. Then to-morrow was examination in Essex Market court before Judge Voorhis, and I will want to explain to you in the meantime the same day the arrest was made there was another man by the name of Cohen.

Q. There was an examination? A. There was an examination before Justice Voorhis and my son was discharged honorably with Cohen, and the judge says if they bring him \$500, even if they put it in the bank, the money, they will have to arrest the bank, and they got them discharged.

Q. And you and your son went home? A. We went to Charley Smith's to have a drink with those officers, and Foley, he is an honest man, and shook hands with me and said, "Berrman, don't have any more feeling; it was my duty; I didn't mean to do anything wrong to you;" and Swartz was very mad with me.

Q. And when he was discharged they didn't get anything? A. On Friday they called the other boy and two young men that made the robbery somewhere, and they found the other boy, and the other boy was never—he used to come in my place.

Q. Never mind the other boy; did Swartz question your son again? A. I want to explain how that was.

By Chairman Lexow:

Q. Go down to the second time? A. The second time he caught the other boy, and they came Saturday morning between 9 and 10 o'clock in the morning; it was the 25th of November, and Swartz came in the store, and he said, "Mr. Berrman, I want to see your son;" they called him in the office, and they had a drink, etc., and he said, "Will you please do me the favor; the captain wants to see you for a few moments;" I said, "Swartz, what is it?" he said, "It is nothing the matter; the captain wants to see you; Mr. Berrman, if you want to go in the station-

House you go and see the captain and you will be right back;" I went right to the station-house; I came to the station-house and the sergeant was at the desk; I asked him if I can see the captain; he said, "The captain is not in the house;" in the meantime Swartz and Foley came in and brought my son to the bar and made charges again for the same action, and they put him down right in a cell; then I went to look after bail again; I could not find McAdam in the city; he was in Long Island somewheres out, and I traveled all day in the morning to look after bail and could not find any, and I went to Prince again, and he said, "Go to the man that came to see your licenses."

Q. You did get him bailed out? A. I got him bailed out at 2 o'clock at night.

Q. Was there any money exacted from you at the station-house? A. Not from me; I did send for supper for my son and they didn't give him anything.

Q. No money taken from you or your son? A. No, sir; not in the station-house; only the 50 cents I gave for supper, and they didn't give him nothing at all.

Q. What else did you pay or your son pay? A. He didn't pay anything in the station-house.

Q. Afterward anywhere else? A. At the trial we had to pay the lawyer's fees.

Q. Now this man Levy you talked about; who is he? A. He was living an independent man.

Q. Where does he live? A. Thirty-six Hester street.

Q. Do you know what Mr. Levy does in connection with the police? A. That is more than I can tell you; I know he has got connection with the police, and what his connection is I don't know; he is doing baker business.

Q. Did you see him talking with license peddlers? A. Not now; but before I used to see him.

Q. Have you seen him get any money from peddlers? A. Yes, sir; I did see him getting money from peddlers; not him exactly; one Ike Moses and Levy they spent the money for themselves.

Q. Do you know anything about the police getting money from peddlers? A. No, sir; I never saw the policemen who get money from the peddlers.

By Senator Bradley:

Q. You paid no money to anyone but the lawyer? A. Only to the lawyer; they brought me in trouble for nothing because I didn't give them \$100; he made a false imprisonment.

Chairman Lexow.—We understand that story. That is all right.

Mr. Ransom.—Just one question. It cost you 50 cents to get the boy's supper that night? A. Yes, sir.

Q. You paid the 50 cents? A. I didn't pay it; I sent it by a man of the name of Anmart to the station-house to give 50 cents for the supper for the boy, and the boy didn't get anything.

Q. You sent 50 cents for the supper of the boy and didn't get the supper? A. No, sir.

Chairman Lexow.—That is all. We stand adjourned until half-past 10 to-morrow morning in Part I. All witnesses subpoenaed for to-day will appear then.

Proceedings of the thirty-first meeting of the committee, Friday, June 22, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Daniel Bradley, Edmund O'Connor, Cuthbert W. Pound, and Jacob A. Cantor.

Mr. Goff, Mr. Jerome and Mr. Moss for the committee.

Mr. Nicoll and Mr. Ransom for the police board.

Simon Rawitser, called as a witness, on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Mr. Nicoll.—I desire to know whether the witness, Granger, who attended here under subpoena at the previous sessions is still under the committee's protection.

Mr. Goff.—Before answering you I would like to know what is the condition of Mr. McClave's health.

Mr. Nicoll.—I will answer that when you answer the other question.

Chairman Lexow.—The one might depend on the other. It may be that this committee may have to call Mr. Granger again in rebuttal of Mr. McClave's testimony.

Mr. Nicoll.—I want to know whether the witness is still under the protection of the committee.

Mr. Goff.—When I get the information regarding Mr. McClave's health I will answer the question.

Mr. Nicoll.—There is no use of any such sparring as this.

Mr. Goff.—I don't see why the question should be put to the committee.

Mr. Nicoll.—I will tell you why. If he is under the protection of the committee I have something to say on the subject, and if he is not under the protection of the committee I have something to do.

Chairman Lexow.—I think counsel is entitled to be told whether or not he is still under the subpoena of the committee in this city, Mr. Goff.

Mr. Goff.—I decline positively to state what witnesses are under the subpoena of this committee. I have declined all questions, and I decline it unless all the committee are in executive session, and in public I will decline to say what witnesses are under the subpoena and which witnesses are not.

Chairman Lexow.—That is perfectly proper, but the question is whether he is under the protection of the committee.

Mr. Nicoll.—That means a subpoena.

Chairman Lexow.—Not necessarily.

Mr. Goff.—I understood the chairman to say—if he has been called under the subpoena, he is under the protection of the committee until he is discharged, and he has not been discharged.

Mr. Nicoll.—Then he, as the committee's witness, is still under their protection?

Chairman Lexow.—Certainly.

Mr. Nicoll.—If that is so I would like the committee to keep him away from me. I want the committee to keep him far away from me. This witness met me on Liberty street on Monday last and told me he was going to my office, and told me he didn't want to buck up again Mr. McClave, and wanted to sit down and tell Mr. Goff's plans in regard to McClave and other witnesses, so far as he had been able to get them on account of his confidential relation with Mr. Goff. I told him to get out of my sight, and I would have nothing to do with him, and Mr. McClave would have nothing to do with him, and if he is under the protection of the committee I want to know it, because I want the committee to keep him away.

Senator O'Connor.—You have a perfect right to kick him out of your office.

Mr. Goff.—I make the suggestion, we are all delighted to have Mr. Nicoll back here, because we were a little dull in his absence at the Constitutional Convention; and it is getting on the Fourth of July, and if a sky-rocket explodes in the air it won't harm anybody, and I am delighted to hear that Mr. Nicoll has got into that innoxious condition to call upon the committee to protect him from Granger. If there are any other persons annoying Mr. Nicoll we will try to put a guerdon around him.

Chairman Lexow.—Senator Pound suggests Mr. Nicoll is able to protect himself as against Mr. Granger.

Mr. Nicoll.—Won't you instruct your counsel to keep your witnesses away from me, and from making corrupt propositions to me?

Chairman Lexow.—Go on with your examination, Mr. Goff.

Mr. Goff.—I am sorry to hear Mr. Nicoll admits he is not above temptation.

Q. What business are you in? A. In the woolen rag and wool business.

Q. What is the firm? A. A. S. Rawitser & Company.

Q. And you are one of the firm? A. Yes, sir.

Q. And where do you carry on business? A. No. 138 Duane street.

Q. Duane street? A. Yes, sir.

Q. Raise your voice a little higher; now, Mr. Rawitser, you have been subpoenaed here? A. Yes, sir.

Q. And you came here against your will? A. Yes, sir.

Q. And you have sent a message through your counsel to me this morning, asking to be excused, and that you don't want to come before this committee? A. I did.

Q. I presume a business man and merchant like you, you do not wish to have your name in the newspapers in connection with this matter? A. I dislike it, indeed.

Q. I understand your feelings, but this is a public necessity, and they have got to do it.

Chairman Lexow.—We do not like it any more than you, Mr. Rawitser, but it is a State duty and you have to perform, as a citizen of this State.

Q. Now, in the conduct of your business, you find it necessary to occupy the sidewalk, do you not? A. Yes, sir.

Q. Just a little louder, if you please; now, for the occupancy of that sidewalk, does the police interfere with you? A. Oh, no; I wish to correct the first statement; we don't find it necessary to occupy our sidewalk.

By Chairman Lexow:

Q. You found it convenient? A. No; at times, we find we can not help ourselves.

Q. That is necessary, then? A. Unavoidably necessary.

By Mr. Goff:

Q. You have got to do it in the conduct of your business; you have to occupy the sidewalk? A. Yes, sir.

Q. Do the policemen interfere with you for occupying that sidewalk? A. They have, from time to time.

Q. Have you paid anything to them? A. Not that I know of.

Q. Do you know of your firm having had to pay to any officer for the privilege of occupying the sidewalk? A. Well, no; not for the privilege.

Q. For any purpose? A. We have, in one instance, paid somebody to avoid being fined and of going to court defending suits of a while.

Q. To whom did you pay? A. That I could not tell you.

Q. Was it an official? A. It was someone that came around.

Q. Do you know from whence he came, or who he was, or anything about him? A. He claimed to be a corporation officer.

Q. A corporation officer; what they call an ordinance policeman? A. Yes, sir.

Q. Well, at the time he came down, Mr. Rawitser, had there been a complaint made against you? A. We had been sued.

Q. Yes? A. A number of times.

Q. What did this officer say, or this person, who called? A. He didn't say anything to me.

Q. Who did he visit in your firm? A. He saw our financial manager.

Q. What is his name? A. Bermas.

Q. Give me his name, his first name, please? A. M—Montros.

Q. As a result of his conversation with your financial manager—what was the condition of this, of the complaint against you—in relation to this sidewalk obstruction? A. What did you say?

Q. What followed? A. Nothing followed.

Q. Did your financial manager make it all right with this officer? A. Yes, sir; I suppose so.

Q. Did you know how much money he paid him? A. Not exactly; he paid him once \$25 and another time \$50.

Q. One time \$25 and another time \$50?

By Chairman Lexow:

Q. What intermissions; between what dates? A. I could not say.

By Mr. Goff:

Q. Did a year elapse between payments? A. About a year.

Q. Mr. Bermas is here? A. Yes, sir.

Q. And you as a member of that firm understood it that your firm had to pay out money to be let alone? A. We did not want to be annoyed; the nature of our business is such that we are loading and unloading at a time, and if any one wants to find fault if there is something on the sidewalk they can almost any time.

Q. And they would produce great annoyance to you? A. Decidedly.

Q. If you had made arrangements or your firm had made arrangements with those officials, did the complaints against you cease? A. Yes, sir; we have had none.

Q. Have you had any since? A. Yes, sir; we have had complaints since.

By Chairman Lexow:

Q. Since you made the payments? A. They arrested a couple of our men just in the act of putting stuff on the sidewalk.

Q. What was done? A. I don't know.

Q. Were they discharged? A. I think they were discharged without a fine.

By Mr. Goff:

Q. And up to the time this committee came here to New York, Mr. Rawitser, no complaints were made against you? A. No, sir.

Q. But complaints have been made against you since this committee has been sitting in New York? A. No, sir.

Q. Have you had any complaints made against you since then? A. No.

Q. In the last three or four months? A. I think not; I think it was a little earlier than that.

By Chairman Lexow:

Q. Since the 30th of January? A. I could not really say whether it was about that time or a little sooner.

By Mr. Goff:

Q. But you were admonished; when the last complaint was made against you, you were not fined? A. We had nothing to do with it; they simply arrested two men.

Q. Were they fined? A. No, sir; I think they were discharged.

By Chairman Lexow:

Q. He says they were discharged without a fine; when was the last payment made? A. I could not say; the other men will know.

By Mr. Goff:

Q. Previous to your making this agreement to make payments to the ordinance officer, have you been interfered with by police-

men on the beat? A. Oh, we had, from time to time, been complained of.

Q. Admonished by them, too — A. No; not by the policemen.

Q. By whom? A. Someone we did not know that made the complaint.

Q. The ordinance office? A. I could not say.

Q. Didn't they come to your place? A. The ordinance officer?

Q. Yes. A. I have not seen them but once to my knowledge.

Q. Prior to their making a complaint against your concern did not the ordinance officials come to your place? A. I could not say.

Q. Did you take active part in your business? A. Yes; but my office is in the rear, and I don't come to the outside at all.

Chairman Lexow.— Any questions? Any further questions? Any questions, Mr. Nicoll?

Cross-examination by Mr. Nicoll:

Q. How much of the sidewalk did you have to occupy? A. Well, we have 37 1-2 feet.

Q. Speak up, please? A. Thirty-seven and one-half feet front.

Q. You know it is against the law to obstruct the highway, don't you? A. Yes, sir.

Q. You have been in the habit of paying police officers to permit you to violate the law? A. No, sir.

Q. What do you pay police officers for then? A. I do not pay police officers—you mentioned the corporation officer.

Q. Ordinance police. A. We paid so as not to be annoyed.

Q. Paid so as to permit you to obstruct the highway? A. No; we really don't obstruct it in a sense you take it; it is a constant going and coming in.

Q. You paid so there would be no complaint made against you for putting your boxes on the highway? A. The bales; yes, sir.

Q. That is what you paid public officers for? A. Yes, sir; I suppose that is it.

Q. What? A. Yes.

Q. Did you ever make any application to the department for permission to put your boxes or bales on the highway? A. No.

Q. Did you ever make any complaint to the public authorities that the proper transaction of your business necessitated your putting such articles on the highway? A. Well, we have tried and defended it in court; that's about all.

Q. To any department have you made that statement? A. No; I have not.

Q. Instead of doing either of those things you preferred to pay the corporation police? A. It was not a matter of preference.

Q. You did it? A. Yes, sir.

Q. You didn't do the other thing? A. No; I would like to explain the nature of our business so that you would understand we really didn't occupy the sidewalk; we have five or six trucks at a time loading and unloading, and the bales are very large and heavy, and they occupy a good deal of space anyway.

Q. Is this the only officer you paid? A. That is all I know of; yes, sir.

Q. Were these payments in the nature of gifts? A. I did not give it to him.

Q. Did you have a conversation with him? A. No; no conversation.

Q. Did you see it paid? A. No; I did not see it paid.

Mr. Nicoll.—I move to strike out all the evidence of payment. He did not see it.

Q. Did he ever tell you who had received it? A. Oh, no.

Mr. Nicoll.—Then I move to strike out the testimony.

Chairman Lexow.—It forms the foundation of testimony. Mr. Bermas is going to be called in a moment.

By Mr. Nicoll:

Q. You are getting so used to hearsay evidence that you will not be able to distinguish afterward. When you gentlemen return to the humble practice of law you will be unable to tell the difference.

Senator O'Connor.—This investigation is spoiling me for the practice of law.

By Mr. Moss:

Q. There is no department that can give you legal permission to incumber the sidewalk, is there? A. Not that I know of.

Montrose Bermas, called as a witness on behalf of the State, being duly sworn, testifies as follows:

Direct examination by Mr. Moss:

Q. Your residence? A. One hundred and sixty-nine East Ninety-fifth street.

Q. Are you connected in business with Mr. Rawitser, the previous witness? A. Yes, sir.

Q. What capacity? A. Manager and financial man.

Q. You have heard his testimony in portion in regard to the sidewalk and in the conduct of his business? A. I heard most of it.

Q. And that sums of money were paid to the corporation ordinance man; will you please give us the details of the payment you made? A. The details, as near as I can recollect, they are these: Some years ago, we were served with a summons in an action brought by the corporation attorney, I believe, to appear and show cause why we should not be fined for violation of the corporation ordinances, and I appeared in person and defended that action; before anything came of it, I appeared a great many times; how many times, I do not remember.

By Chairman Lexow:

Q. It was adjourned? A. It was repeatedly adjourned.

By Mr. Moss:

Q. At whose request? A. Never at my request; no.

By Chairman Lexow:

Q. How many times did you recollect it was adjourned, about? A. My recollection is indistinct, because it is quite a time ago, but I should say three or four times, or thereabouts.

Q. Go on? A. And after going there so frequently, I, of course, felt that, perhaps, the best thing to do would be to pay the penalty which was imposed there, and thus avoid the trouble, the amount being too small, and my recollection now is that I did pay the penalty, whatever it was, \$7.50, perhaps, or something of that sort—to the corporation attorney's office; in conversation thereafter with somebody in our neighborhood, I told them that it was a glaring outrage that we should be bothered in this way, and somebody, I don't remember who, told me that this was one of the instances of the bother that merchants could be put to repeatedly by reason of the compulsory use of the sidewalk in the receipt and shipment of their stock; of course, being aware that our stock is of an extremely bulky nature, everything coming and going, each being handled in bales and boxes, and the sidewalk frequently becoming obstructed because teams would drive up and unload their wares there; and, on the other hand, our shipping clerks would attempt to make shipments; I see very plainly that we could possibly be put to considerable trouble by receipt of notices, whether for cases or not; and the man to whom I spoke said to me, "Why don't you send and see the wardman?" or something of that kind; I suppose this is what he called him, or the corporation officer, or some other similar name.

By Mr. Moss:

Q. A police officer, at any rate? A. I don't know that he mentioned a police officer particularly.

By Chairman Lexow:

Q. It was either wardman or corporation police? A. Wardman or corporation officer, or something of that order, and I said that we had no means of reaching that man, and he said that he would probably be around, and I believe I was visited shortly after that by a man referred to, who represented himself as being an officer of some kind.

By Mr. Moss:

Q. Was that shortly after you were fined? A. I believe it was; I believe it was.

Q. Did he come to your store? A. Yes, sir.

Q. What did he say to you? A. He said to me—I really don't recollect his conversation at that time, but he mentioned the fact that he was the officer and that he heard I wanted to see him, and I told him yes; that there must be some stop to this, because we were being hindered in the transaction of business, and for no cause, and that we were compelled to receive and ship stuff, and that if it was blocked, it was not by reason of any intention on our part; and I further characterized this thing as outrageous, and he then told me it could be stopped, and I said, "How?" "Of course, I understood your stuff is in transportation and is either coming in or going out," and I said, "Certainly it is;" I said the officer who reported the case would probably have memoranda of times where we left stock on the walk, and those were probably the causes of the complaints made against us; so, he, at that time, said that it was probably necessary to contribute something to that, if I felt disposed to do that we would be troubled probably less than before.

Q. Did he mention any amount? A. I think he did.

Q. How much? A. I don't remember distinctly; it being quite some time ago; but I think it was \$20.

Q. Twenty dollars for what length of time? A. For a year.

Q. How long ago was that? A. Well, I really could not state definitely.

Q. Give it to us as nearly as you can? A. I suppose it is a matter of several years ago.

Q. Four or five years? A. Either three or five years.

Q. In pursuance of that arrangement what did you do? A. Well, I told him that it would be—if the matter were a matter of preference I should prefer paying \$20 to having to go to court and defend actions as often as they chose to bring them against us; because I took time, at that time, to inquire of other merchants and found that, in some instances, they had gone

to the hearing of the case repeatedly as I did, and, ultimately, had the decision rendered in their favor by the justice of the District Court; that was the plan I intended to pursue in the first case; but, after going there a number of times, I said that it was logic, and supposed that we would be called upon to go there repeatedly.

Q. Never mind your thought about it; tell us what you did; when was the first payment made? A. It was made shortly after the first visit.

Q. How much was it? A. Twenty dollars.

Q. Can you recall the officer's name? A. I don't think I have ever known it.

Q. How many times have you seen him? A. I don't know that I saw him more than once or twice.

Q. How many times did you pay him the money? A. Once or twice that I spoke of seeing him.

Q. Have you paid any other officer money? A. Yes, sir; there was one after he left; he came in and told us that the precinct had changed captains, I believe, or something of that order, and that the time had to mature for this contribution or whatever he chose to call it, and I told him I did not see any good reason why we should risk having any more trouble under the new administration than under the old, and we would be willing to continue the payment.

Q. And did you continue to pay the \$20? A. We continued to pay for the year or two, I think; yes, sir.

Q. Was the price raised? A. The price was raised.

Q. How much? A. I think the last payments were \$50.

Q. When did you make the last payment? A. Well, I could not hardly recollect, but I presume that it was some time within a year or a year and a half or two years.

Q. Did you know the name of the second officer? A. No; I did not know the names of any of these officers; never having met them.

Q. You have seen that second officer but once? A. I do not know whether I saw him once or twice.

Q. Do you know what station he is connected with? A. I do not know.

Q. Where is the station-house in your precinct? A. I think it is the Oliver street station-house, but I am not sure.

Q. Was this man in uniform that collected money? A. No; not to my knowledge.

By Chairman Lexow:

Q. Have a shield on or badge that indicated an official position?
A. I do not think I could swear I saw anything of that sort.

By Mr. Moss:

Q. Well, you made these payments; you were not troubled then, were you? A. Not for a time.

Q. For how long a time? A. Well, for the intervening three years, I presume, until the arrest that the gentleman who testified before me spoke of.

Q. When did that arrest take place? A. Not very long since; within a few months.

Q. Within four months; was it this year? A. I think, likely, it was after the 1st of January.

Q. After the 1st of January? A. I think so.

Q. How did you make these payments; in what way? A. Why, I put the money in an envelope and handed it to him.

Q. Was your card in the envelope? A. No.

Q. Just handed it in a plain envelope? A. In a plain envelope.

Q. With nothing but the money in the envelope? A. Oh, nothing but money in the envelope.

Q. Did he say anything about what he would do with it? A. I don't recollect any conversation with him about it.

Q. You had immunity after you paid, until this year? A. Yes.

By Chairman Lexow:

Q. How did you come to pay the money in an envelope? A. I was requested by him to do it.

Q. By him? A. Yes, sir.

Q. Did he say what he did, or the reason why he asked you to put it in an envelope? A. I think he told me; yes, sir.

Q. What did he say? A. He said that, of course, this is a matter that he knew nothing about.

Q. That the envelope was to go somewhere else? A. Or words to that effect; I do not recollect exactly what he said.

Q. But he had no interest in the matter? A. That is what he told me.

Q. Did he tell you where the envelope was to go? A. No; I don't think he did; I do not believe he made any statement of any description; I had no very lengthy conversation with him; and understanding it was required; we finished the business as rapidly as possible.

Q. What reason did he give for increasing the contributions from \$20 to \$50? A. Why, he said those were his orders.

Q. Did he say from where? A. I could not swear that he did.

Q. Did he tell you, or intimate to you, who had given him the orders to increase this contribution? A. Well, I presume that he might possibly have reference to that portion of his conversa-

tion in which he stated that the change had been made in the precinct.

Q. Was it on the same occasion that he said that a change had been made in the captains, that he said to you that he had orders to increase the contribution from \$20 to \$50; was it the same conversation? A. Well I found it difficult to recollect that, because he may have called on me twice at that time without my being able to remember it now; I recall, however, that he made that statement about the captain, and, of course, he was compelled to make some kind of statement in order to have me understand that the increase was demanded.

Q. Your present recollection is that he said that the reason for the increase was due to the change of captains, and that he had given orders to have this increase made? A. My recollection is that, after stating that the change had been made in the captaincy of the precinct, that he told me mine; I would not like to swear that he referred to either part of the conversation in connection with the other one.

Chairman Lexow.—Any questions?

By Senator O'Connor:

Q. Do you know to what extent these payments to any extent prevails among the merchants of this city? A. I do not know; no, sir.

Cross-examination by Mr. Nicoll:

Q. Where did you say your store was? A. One hundred and thirty-eight and 140 Duane street.

Q. How much rent do you pay? A. We paid up to this year \$10,000

Q. What would it cost you to have rented a store in the neighborhood to put these bales that you put on the street? A. What would it cost to have rented —

Q. To have rented a store for the purpose of storing the articles which you put on the highway? A. I can hardly answer that question because the articles put on the highway were not put there for storage purposes, but for shipping.

Q. They were left there for hours at a time? A. Not to my knowledge.

Q. Don't you know they were left there standing there, obstructing the highway for hours at a time? A. No, sir.

Q. For how long a time? A. Probably long enough to have the teamster take them away.

Q. Wasn't it your habit to allow them to remain there for several hours at a time? A. No, sir; not to my knowledge.

Q. Was the highway always clear in front of your street? A. No, sir.

Q. Wasn't it, for the most part, blocked up? A. It may not have been for the most part, but at times it was.

Q. You know perfectly well that the people of this city have a right to the unobstructed use of the highway at all times? A. No, sir.

Q. Don't you understand that? A. No, sir.

Senator O'Connor.—Mr. Nicoll, for the purpose of information, have you any objection to informing one member of the committee what the purpose is of showing that these merchants have no right to occupy the sidewalk; that they had occupied the sidewalk and paid the police for doing it. The point that bothers my mind is this, what excuse is that for the payment of money?

Chairman Lexow.—Isn't it still worse for the police?

Mr. Nicoll.—On the part of the merchants?

Senator O'Connor.—Yes, sir.

Mr. Nicoll.—It is scandalous on the part of the merchants; it is not less scandalous on the part of the officers.

Chairman Lexow.—How does it relieve the police?

Mr. Nicoll.—Why make this gentleman with virtuous mien and apparent candor say where the poor persecuted law, or I say they are not, they have no right to pay the police officers.

Chairman Lexow.—This gentleman is here by subpoena.

Mr. Goff.—They had a right to do it.

Mr. Nicoll.—They had no right to do it.

Mr. Goff.—Neither has a house of ill fame, tribute is tribute.

Chairman Lexow.—I think it is an extraordinary proposition to advance the corruption of the police as the reason for finding fault with this witness.

Mr. Goff.—This witness ought not to be subjected to such remarks.

Mr. Nicoll.—I do not think they should be compared with the houses of ill fame.

Mr. Goff.—I do not make any comparison. The police spare no one. They will tax the churches after a while.

Senator O'Connor.—I still fail to catch your idea, and the pertinency of this inquiry, unless it be that the citizens who pay this tribute are quadriceps criminus in the transaction.

Mr. Goff.—I should think they were.

Senator O'Connor.—How does it affect this inquiry?

Mr. Nicoll.—I am not going to spend all day upon it, but will just tear away the little mask of virtue these gentlemen have.

Mr. Goff.—I object. The witness is here under protection of the subpoena.

The Chairman.—I think it is objectionable when a man is compelled to give contributions.

Mr. Nicoll.—He is not compelled. Merchants should have gone to the bureau of incumbrances and applied to the mayor for the purpose of having the privilege to obstruct the street, or instead of that they prefer to pay tribute to the patrolmen and roundsmen.

Chairman Lexow.—The whole trouble is that your absence at the Constitutional Convention made you ignorant of the fact that we had testimony showing that there was evidence of that practice.

Mr. Nicoll.—I read the Herald and the Sun and there is nothing that appeared omitted.

Chairman Lexow.—Then you know that fact.

Senator O'Connor.—A committee was appointed to protest against this, and more especially because they did object to these practices that were singled out, or persecuted and actually arrested afterward.

Chairman Lexow.—I say there is a great deal of excuse for the merchants who have been subjected to that.

Mr. Nicoll.—I don't see that there is any.

Senator O'Connor.—I don't think the merchants or any other class of people ought to be subjected to these exactions.

Mr. Nicoll.—I think the voters, the rich men, and responsible men, the best part of the government are wrong to permit such things to go on without making protests to the authorities.

Mr. Goff.—They have made a protest and their protest has been ignored. I object to the lecturing of the witness by a gentleman.

Senator O'Connor.—There ought to be a populist rising in the city of New York.

Mr. Goff.—That is what we are trying to do for this purpose.

Chairman Lexow.—We are trying to get facts upon which to base legislative action, and if we can do the city good in that respect we shall certainly do so, sir.

Mr. Nicoll.—I thought you were trying to get facts of comparison.—

Chairman Lexow.—Go on with your examination.

Mr. Nicoll.—I will stop it. It makes too much trouble.

J. F. Purpe, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Chairman Lexow.—Now, inasmuch as you probably heard some of this conversation, and are a witness on the same subject

I will tell you this, that any testimony that you may give with regard to bribery or being bribed or having corrupted a police official in this city, is a privileged communication. It can be pleaded in any bar against any prosecution against you for such a case. You understand it?

The Witness.—Yes, sir.

Chairman Lexow.—And that you are now a witness on behalf of the State Senate, and that you are expected to give the truth, the whole truth, and fear no consequences?

Q. What is your business? A. Coffee and tea.

Q. Where is your place of business? A. Nos. 103 and 105 Warren street, and some other places.

Q. Are you a member of the firm? A. Yes, sir.

Q. Did you find it necessary in the conduct of your business to occupy the sidewalk? A. Very much so.

Q. And you don't pay anything for it? A. No, sir.

Q. Never paid a cent? A. Not that I know of.

Q. Could it be paid without your knowledge? A. Not that I know of; we have been fined a great many times.

Q. How long ago is it since you have been fined? A. I think within a year or two.

Q. No more definite than that? A. No.

Q. Where were you fined? A. Right on the sidewalk.

Q. I mean in what court? A. In a little court; a district court.

Q. How much were you fined? A. Five or ten dollars.

Q. That is all the interference you have had? A. Yes, sir.

Q. Which of the members of the firm belongs to the Tammany Society? A. One.

Q. What is his name? A. Wieman.

Q. His full name, please? A. Frederick Wieman.

Q. Isn't it an understood thing in the firm that Mr. Wieman fixes the whole thing for you? A. He has sometimes fixed it, but not always; we have sometimes paid the fine.

Q. When you have not paid a fine he has fixed it? A. He has gone to the judge and got us excused.

Mr. Goff.—That is all.

Louis Stager, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Mr. Goff.—Mr. Chairman, have you charged the witness in relation to the rules of the committee in regard to prosecution?

Chairman Lexow.—I have. You understand, if you testify you paid a bribe to any policeman, or gave any money to any

policeman for a bribe or otherwise, that is a bar against any prosecution for anything of the kind.

Q. What is your business? A. I am manager of a cafe and restaurant.

Q. Where is your cafe and restaurant? A. Fifth street and Second avenue.

Q. Just a little louder, so these gentlemen can hear you; they all want to hear you; Fifth street and Second avenue? A. Yes, sir.

Q. How long have you been there? A. About seven months; six or seven months.

Q. Before you were in that business as manager, what business were you in? A. I have been in the cigar business, liquor business.

Mr. Nicoll.—Speak up.

The Witness.—Cigar business and liquor business.

Q. Where were you in the liquor business? A. Two hundred and fifty-five Bowery and 271 Bowery.

Q. Two places, 255 and 271 Bowery? A. Yes.

Q. How long did you continue that place, 255; how long were you in it? A. For about two years.

Q. What kind of license did you have? A. I had a concert license and excise license.

Q. How much did you pay for the concert license? A. One hundred and fifty dollars every three months.

Q. Every three months? A. Yes, sir.

Q. And how much for the excise license? A. Two hundred dollars a year.

Q. Had you trouble in obtaining your license? A. No, sir.

Q. No trouble? A. No trouble, sir.

Q. Did you pay to obtain it? A. I paid \$150 every three months for it.

Q. Outside of what you paid, the legal fees, did you pay anyone else fees to obtain your license for it? A. No, sir; I did not.

Q. And never had to go to anyone to get a license for you? A. I had to go down to the mayor's office to get it.

Q. Did you ever have to go to a political district leader to get the license? A. No, sir.

Q. Did you ever say you had? A. That I had?

Q. Yes? A. Not that I know.

Q. Now, Mr. Stager, you wanted to be excused to-day, didn't you? A. Yes, sir.

Q. You stated to me that you had some business dealings that you thought your testimony would interfere with? A. I said I had business on hand to do which would, at least, take me away from my business to-day.

Q. And you were angry because we insisted upon your coming on the stand? A. I am not angry.

Q. You wanted to go away? A. I wanted to, because I am busy to-day, sir.

Q. Do you forget when you were raided at 255 Bowery; do you forget that? A. No, sir; I remember it.

Q. You were raided?? A. Yes, sir.

Q. Were you raided more than once? A. No, sir.

Q. After you were raided, hadn't you difficulty in getting a license? A. No, sir; I did not get any license after I was raided.

Q. Before you were raided, before the last license you obtained for 255, didn't you have trouble? A. No trouble, sir.

Q. The captain of the precinct, who was he at that time? A. Captain McLaughlin, now an inspector.

Q. He made a report concerning your place, didn't he? A. I don't know what he done; I know he closed me up on Saturday night; I don't know what he done.

Q. Don't you know he made a report; didn't you learn that at the excise board, that he made a report against your place and against a license being granted to you? A. I had no trouble with the excise board.

Q. Weren't you informed at the excise board that Captain McLaughlin made a report against you? A. I was informed to go and testify that they should not make —

Q. Weren't you informed that Captain McLaughlin had made an adverse report? A. No, sir.

Q. What were you informed? A. I was not informed anything; all I know on Saturday night he closed up the place; I don't know what he reported.

Q. When did he close up the place? A. On Saturday night, between 11 and 12.

Q. What year? A. About January the 30th, I think it was, 1892 or 1891.

Q. After he closed up the place in January that year did you ever open again? A. No, sir; not ever.

Q. Where did you open then? A. I had another place by, 271 Bowery.

Q. Now, Mr. Stager, did you not have difficulty in obtaining a license for 271? A. That was not a concert place at that time; it was a liquor saloon.

Q. Didn't you have difficulty in getting a license for it? A. An excise license, sir?

Q. Yes? A. It was an excise license when I bought the place there.

Q. Did you ever get a license for that place? A. An excise license; I have had two different licenses for that place, renewed it two or three times.

Q. Did you have difficulty in renewing your license? A. My brewer always got me the excise license.

Q. Now, in getting the license for either 271 Bowery or 255 Bowery, didn't you go to a political leader to get him to have the captain change his report? A. Not that I know of.

By Senator Bradley:

Q. You know whether you did or not? A. No, sir; I did not go there.

By Mr. Goff:

Q. You have made up your mind to swear the thing right through, haven't you? A. I did, sir.

Q. You made up your mind to deny everything, haven't you? A. No; I am only telling the truth, sir.

Q. You have refused to say anything at all in relation to your obtaining a license; you have made up your mind to do that, haven't you? A. No, sir; I am answering every question you ask me.

Q. You have made up your mind to deny everything touching your obtaining a license and paying for it outside of the legal fees? A. No, sir; I did not, sir.

Q. You know what perjury is, don't you? A. Yes, sir.

Q. You know, if you take a false oath here. it is perjury? A. Yes, sir.

Q. And that you will be punished for it? A. Yes, sir.

Q. I have asked you, did you ever say to any person that you had to go to Judge Roesch and pay him \$1,000 to get the captain to change his report against your place? A. No, sir; I did not, sir.

Q. Did you ever say anything like it? A. I did not; I could not, because I did not pay it.

Q. I am not asking you any "because;" did you ever say anything like it? A. No, sir.

Q. Did you ever go to Judge Roesch's office about getting a license? A. I have been there; yes.

Q. Was it not to get a license you went there? A. No, sir.

Q. What brought you there? A. I was there once.

Q. What brought you there? A. I will explain it to you; I was there before I went to the mayor's office to make application; I went in Mr. Roesch's and asked him to come over and

make an application, and he asked me to wait, and he kept me waiting too long, and I went alone.

Q. And you went to Mr. Roesch's office to get him to obtain a license? A. I asked him to come over with me; I wanted to make application for a license.

Q. Don't you know, at that time, the captain of the precinct had made a report against your obtaining a license? A. I did not know that.

Q. Did you not learn it in some way? A. I did not learn it, sir.

Q. Did you not, after you saw Roesch, didn't you learn the captain changed his report? A. No, sir.

Q. Did you ever hear about it? A. I don't think I did, sir.

Q. Are you sure? A. I can not remember if I heard anything about that or not.

Q. Wouldn't you remember it if you heard about it? A. I think I would.

Q. Don't fall back on, "I don't remember;" if it occurred, you would remember it, wouldn't you? A. I can not swear I would remember it; but I don't know that any report had been changed.

Q. Will you swear you never heard that a report had been changed? A. So far as I remember, I will swear; yes.

Q. Wouldn't it have occurred to you if it had been changed? A. Well, I don't know if it would or not.

Q. How long is it ago? A. It is about a year ago.

Q. Now, you remember everything in connection with your getting the license, don't you? A. I know I got a license.

Q. You remember about going to Judge Roesch and about him keeping you too long in the office? A. Yes, sir.

Q. And going by yourself to the excise board? A. Not to the excise board; to the mayor's office.

Q. That was for a concert-hall license? A. Yes, sir.

Q. You have a perfect recollection of that? A. Yes, sir.

Q. That was the day you went to the mayor's office? A. Yes, sir.

Q. Don't you remember whether or no, of your knowledge, at the time, the captain had made an adverse report against your getting a license? A. I do not know, sir; I had not heard of it.

Q. Why did you go to Judge Roesch? A. I wanted him to go over with me to make application.

Q. Couldn't you make it yourself? A. I could; I did make it myself.

Q. Why did you go to him? A. I wanted him to go on; he belonged to my club, and he could go on and show me how to make application.

Q. Hadn't you made applications before? A. Not by this mayor.

Q. The same law was in existence? A. I wanted Mr. Roesch to go over and show me.

Q. You were not very insistent upon Roesch going with you, as you went alone? A. I waited there, and he did not take notice of me, and I went over myself.

Q. Did you ever go to Mr. Delmore? A. Never, sir.

Q. Do you know Mr. Delmore? A. I have seen him, but have never spoken to him.

Q. Did you ever cause anyone to go to him? A. No, sir.

Q. Did you ever tell anyone you had to go to him? A. I did not tell anybody, sir.

Q. Did you ever pay any money to any person for obtaining either of the licenses you ever obtained in this city?

Chairman Lexow.—Now, be very careful in your answer.

A. I only paid the money to the excise board, in the mayor's office.

Q. Outside of the money you paid to the excise board, and outside the money you paid in the mayor's office, did you ever pay any money to any person to aid you in obtaining a license, either concert hall or liquor? A. No, sir.

Q. Did you ever say to any person at any time that you had to pay money either to Judge Roesch or to Mr. Delmore? A. I did not, sir.

Q. You never mentioned it? A. No, sir.

Q. You are clear about that? A. Yes, sir.

Q. Well, the places that you kept in the Bowery were known as dives; weren't they? A. Not as I know of; they were known as respectable places.

Q. You are a partner of Gombossy's, are you not? A. No; never been a partner.

Q. Were you in business with him in Brooklyn? A. No, sir; he was my employe.

Q. Do you remember going to Roesch's house in 1893? A. I never was in Roesch's house.

Q. You don't want to change your testimony? A. I never was to Roesch's house.

Q. You don't want to change your testimony in any manner or form? A. I have never been to Roesch's house.

Q. Do you want to change your testimony? A. I am only answering you what you ask me.

By Chairman Lexow:

Q. Is there any part of the testimony you have given that you now desire to change? A. No, sir.

Q. Counsel means whether everything you have testified up to now is true? A. Yes, sir.

By Mr. Goff:

Q. I ask you now once again if you have ever stated to any person at any time that you had to pay money to Judge Roesch and to Mr. Delmore to get them to pay licenses for you? A. I did not, sir.

Q. And to get them to have the captain change or withdraw his report against your license being granted? A. There was never such a thing, as far as I know.

Q. Did you ever say so, sir? A. No, sir; I did not.

Q. To any person? A. No, sir.

Chairman Lexow.—You understand the distinction, don't you, between the fact occurring and a statement being made? Counsel asked you whether you made that statement. You want to be careful in answering these questions. Whether you made any such statement, not whether you paid the \$1,000.

The Witness.—I do not know that I should make a statement to anybody. I did not pay it to anybody, and why should I make a statement?

By Mr. Goff:

Q. Did you make the statement? A. Not that I know.

Q. Will you swear you did not make such a statement? A. I did not make no statement to nobody, so far as I remember.

Q. When did you obtain your concert license; what month?

A. In the month of July, or the 1st of August; I think it was then; I am not positive, but I am pretty sure it was then.

Q. Will you deny you were in Judge Roesch's office in July, 1893? A. No, sir; I stated I had been there, sir.

Q. Were you in his clubroom? A. I go there very often.

Q. You are a member of the club? A. Yes, sir.

Q. You have a bank account? A. Not me, sir.

Q. Did you have a bank account in anyone else's name? A. My wife has a bank account at present.

Q. Did you have a bank account at that time in July, 1883? A. No, sir.

Q. Did anyone else have a bank account in your name? A. No, sir; not in my name; my wife had a bank account then.

Q. And you had power of attorney to sign checks? A. Yes.

Q. Where did she have an account? A. German Exchange Bank.

Q. What is her name? A. Mary Stager.

Q. She is in New York now? A. Yes, sir.

Q. You carry the check-books? A. I do, sir.

Q. You carried it then? A. Always did, sir.

Q. You signed checks without asking her? A. Yes, sir.

Q. Signed her name? A. Yes, sir.

Q. Did you sign her name by your name as attorney? A. No, sir.

Q. You signed her name? A. Her name; yes, sir.

Q. Without any further initial or anything else? A. Without anything else.

Q. You signed Mary Stager? A. I signed M. Stager, or Mary Stager.

Q. Did you draw out of your bank, or out of your wife's account in your wife's name, about the month of July, 1893, from the German Exchange Bank, the sum of \$1,000? A. I may have drawn more than that; I fixed the place up then, and don't know what I drew.

Q. Did you draw out the sum of \$1,500 in one check? A. I don't know, sir; I don't remember it.

Q. Have you got the checks? A. That I can't tell, sir.

Q. Where are they? A. I don't know; I might got them home; I can't tell.

Q. When did you last see them? A. I don't remember whether I see them since the bank took these balances.

Q. When was the bank-book balanced? A. I can not tell, sir; it has been balanced more than once since then.

Q. In whose possession is the bank-book? A. In mine.

Q. You have it now? A. I have it.

Q. Have you it with you? A. No; I have it at home.

Q. In whose possession are the return vouchers? A. Everything in my possession, if they are in existence yet.

By Chairman Lexow:

Q. Don't you remember whether they are in existence? A. I can not tell you, sure; they might be; old checks may be thrown away.

Q. When did you last balance the account? A. I could not tell, sir.

Q. Couldn't you remember those months? A. I do not know; the book will show the last balance.

Q. What is your habit; how often do you balance a year? A. I have no habit; I balance it when I think it ought to be balanced; sometimes in one month, and sometimes in five months.

Q. You have balanced it since the month of July, 1893? A. Yes, sir.

By Mr. Goff:

Q. Are you in the habit of drawing checks of \$1,500? A. If I need it, of course, I have to draw it.

Q. Have you drawn many checks for \$1,500? A. I could not draw many checks for \$1,500; at some times I can not remember what kind of checks I draw.

Q. Do you know a man by the name of Kite? A. Yes, sir.

Q. What business is he in? A. Cigarmaker.

Q. He introduced you to Mr. Delmore, didn't he? A. He did not, sir.

Q. Did you have a talk with him about introduction to Mr. Delmore? A. No, sir.

Q. Did you pay all the bills for the fitting up of your place by check? A. Sometimes by check and some of them by cash.

Q. What is the highest bill you paid? A. I can not remember what the bills were.

Q. A hundred dollars? A. I can't remember what the bills were.

Q. A hundred thousand dollars? A. I know it was not that.

Q. Ten thousand dollars? A. It was not as much as that.

Q. Five thousand dollars? A. Not as high as that.

Q. Two thousand dollars? A. No.

Q. Three thousand dollars? A. No.

Q. Fifteen hundred dollars? A. It might be \$1,500.

Q. Who did you pay \$1,500? A. I could not say.

Q. Who did work for you there? A. Some carpenters, and mason.

Q. What is the carpenter's name? A. I don't remember.

Q. What was the carpenter's name that did the work there? A. Fried.

Q. Give the full name? A. That is all I know — Fried.

Q. Where is Mr. Fried's workshop? A. I don't know where his workshop is now.

Q. Where was it then? A. It was right above 271 Bowery.

Q. Above 271 Bowery; and he did all the carpenter work for you? A. Not all of it, sir; part of it.

Q. Who else did the carpenter work for you? A. I don't know his name.

Q. And did you pay him any money? A. I don't know.

Q. Did you pay him in checks or bills? A. I paid him in checks and paid him in bills.

Q. Some in bills? A. Yes, sir.

Q. You have the check-books, haven't you — the stubs? A. I think I have; I am not sure.

Q. Why aren't you sure? A. I did not see it since that time; I don't know whether I had the old book you want.

Q. Who else did work for you there beside the carpenters? A. Some masons.

Q. What are the masons' names? A. I don't know, sir.

Q. What work did the masons do for you? A. Plastering.

Q. And who else did work for you? A. Paper hanging.

Q. What is the paper hanger's name? A. I am not sure if it is Freedman or not; I am not sure whether he was on the job or somebody else; but I think he done it.

Q. Where is Freedman's place? A. He used to keep in Houston street.

Q. Where is he now? A. I don't know where he is now.

Q. How much did you pay Freedman? A. I don't remember.

Q. How much did you pay Carpenter Fried? A. I don't remember.

Q. One thousand dollars? A. I don't know how much.

Q. Two thousand dollars? A. I don't know.

Q. Three thousand dollars? A. It was not as high as that; but I don't remember the amount.

Q. Didn't you get a bill from him? A. Yes, sir.

Q. You paid him by check and in bills? A. Yes.

Q. Will you swear you paid him more than \$1,000? A. I don't know.

Q. Will you swear you paid more than \$500? A. I don't remember.

Q. Do you remember you had the work at all? A. Yes, sir.

Q. Your memory fails you as to the man that did the work for you? A. Yes; I can't remember.

Q. You can not tell the mason's name? A. I don't know his name.

Q. Did you employ him? A. I employed him in the store; I suppose I sent somebody for him.

Q. Did you know him before? A. I did not.

Q. You can not tell his name? A. I got more than one estimate made and got it of the cheapest man.

Q. Who was the cheapest man? A. I don't remember his name.

Q. Was the estimate in writing? A. Yes, sir.

Q. Have you got the estimates? A. No, sir.

Q. What became of them? A. I throwed them away.

Q. How much did you pay the paper hanger? A. I could not state that sure, how much I paid.

Q. Five hundred dollars? A. I did not pay as much as that.

Q. Three hundred dollars? A. About two or three hundred dollars; I am not sure about it.

Q. Will you swear you did not draw a check for \$1,500 about the month of July, 1893? A. I can not swear I did not draw, and I can not swear I did draw because I don't remember.

Q. If you can not swear you drew a check for \$1,500, and it appears you did draw \$1,500, what is the check for? A. To pay the workmen what expense I had.

Q. To whom did you draw the check for \$1,500? A. I don't know if I ever did draw a check for \$1,500.

Q. Or even for \$1,000? A. I do not know even if I drew a check for \$1,000.

Q. Mr. Stager, I ask you again, to be more particular about it; did you ever say to any person that you had to pay any money, for any amount whatever, to either Judge Roesch or to Mr. Delmore, for them getting a license for you? A. No, sir.

Q. Any amount? A. No, sir.

Q. No money whatever? A. No money whatever.

Q. And, as matter of fact, you never did pay any money? A. No, sir.

Q. That is your sworn testimony here? A. Yes, sir.

Q. Now, you will bring down, please, your check-book and your bank-book? A. Yes, sir.

Mr. Goff.—We will not inquire further, unless the gentleman wishes to ask a question.

Chairman Lexow.—Don't you think you will ask the witness whether he will do so, and if he says he will, let it end at that, and if not, serve a subpoena?

The Witness.—I will, if I find it.

Chairman Lexow.—Bring it this afternoon.

The Witness.—It is inconvenient this afternoon, but if you require me to do so, I will bring it down any time you want me to.

Mr. Goff.—Tuesday — at 10.30 on Tuesday.

The Witness.—Yes, sir; I will bring it any time you want it.

Mr. Goff.—Unless Judge Ransom wants to ask you questions, you are excused; you are under subpoena.

Chairman Lexow.—You are under subpoena and must attend at 10.30, whether you bring the books or not.

The Witness.—I will bring whatever I have, sir.

Mr. Goff.—Richard A. Canfield in court? (No answer.) Sergeant-at-arms, will you please call Richard A. Canfield. (The sergeant-at-arms called Richard A. Canfield twice, and there was no reply.) Make a note there is no reply to that, and the time you called also. (Twenty-two minutes past 12, Richard A. Canfield was called and did not answer.)

Nathan Levy, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Where do you live? A. No. 215 East Ninety-eighth street.

Q. Talk louder than that; do you know Morris Jacobs, a witness who has testified in this examination? A. Yes, sir.

Q. Are you a brother of Lewis H. Levy, who has attended here under subpoena and has not yet been examined? A. Yes, sir.

Q. Were you a member with your brother, Lewis, of the Hebrew Association, which was naturalized through John J. Ryan? A. Yes, sir.

Q. You do have a soda-water stand in front of your house? A. Yes, sir.

Q. How is that located, on the sidewalk or inside? A. Inside in the gate, in the railing.

Q. Does it project over the sidewalk at all? A. No, sir.

Q. Tell what happened when a man called on you yesterday or day before? A. A couple of days before, a man came up to me and he took a glass of soda water, and he handed me five cents, and when I wanted to give him the change he would not take it; and he asked me what was my name; I said, "Nathan Levy;" he said, "Have you a brother, Lewis Levy?" I said, "Yes;" he told me, "You better tell him to go away;" I said, "It is not my business to tell him;" he said, "Well, your soda water has got to be removed, and I got notice sent in yesterday."

Q. Is this the notice you received very promptly on that demand? A. Yes, sir.

Q. He demanded you should have your brother go away from this city? A. Yes, sir.

Q. So as not to testify before this committee? A. Yes, sir.

Q. Do you know the man's name? A. I could not tell the man; if I could see him I would recognize him.

Mr. Moss.—I have made inquiry, Mr. Chairman, of the department, and the name of the complainant is written on the bottom of that notice.

Chairman Lexow.—“Rosensohn and others, owners of the property.”

Mr. Moss.—It is a notice from the bureau of incumbrances. I will ask the stenographer to mark that. We may subpoena the complainant. It may appear this is not an incumbrance at all, and I propose to make some inquiry of the incumbrance officer to see no intimidation is practiced on this man.

(Paper marked Exhibit 1 of this date.)

Senator Cantor.—If you send word to Mr. Cummings, he will give you information about that.

Mr. Moss.—Will you ask any questions, Mr. Ransom?

Mr. Ransom.—No, sir.

By Chairman Lexow:

Q. I would like to ask him a question before he goes off; how long have you had that stand there? A. Since the 6th of May.

Q. Of this year? A. Yes, sir.

Q. And you never was interfered with until yesterday? A. A policeman came up to me the same day I put the stand out, and he said I have to take a permit for it, and I told him I would see about that, and the next day the policeman passed by and did not say anything, and I did not bother with it.

Q. And never heard anything from that day until yesterday? A. No, sir.

Mr. Moss.—I have had Lewis H. Levy in court twice, but we have not been able to reach him, and I have excused him until we wanted him; it has been known that Levy was here, because friends of Ryan were in court. Mr. Berg, will you take the stand?

Isidor Berg, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. You live at 724 Lexington avenue? A. No, sir.

Q. Where do you live? A. Two hundred and forty-two West Forty-fourth street.

Q. And you do business at 189 South Fifth avenue? A. Not at present; I did formerly; I moved from there the 1st of May.

Q. What is your business? A. The woolen rag and waste business.

Q. How long were you there? A. On South Fifth avenue?

A. At South Fifth avenue? A. Two years.

Q. Did you have any trouble about the use of the sidewalk?

A. I was—I had some trouble; yes, sir.

Q. Did you have a call from a policeman? A. Did I have a call from a policeman?

Q. Yes? A. No, sir; I was simply put on the information docket.

Q. You did call a policeman into your store and talk to him about your trouble, didn't you? A. Not at that time.

Q. When did you? A. This was prior to that.

Q. Tell us what it was; tell your story? A. Well, I was in business on Duane street at that time; it was prior to my removing from Duane street to South Fifth avenue; I was in business at 172 Duane street, and I was put on the docket several times.

Q. That is, on the docket of corporation cases; do you mean to say you had a number of cases against you for violation of the ordinance? A. Yes, sir.

Q. In the district court? A. In the district court; in which cases I was fined for incumbering the sidewalk in violating the ordinance; and this was handed repeatedly to me.

Q. Were those cases tried promptly, or did you have to attend a number of times? A. No; they were tried promptly, I believe, so far as I remember; it was some years ago, in 1889 or 1890.

Q. You said you were tired of being fined? A. And it was necessary for me to use the sidewalk, in a measure, in shipping goods; I occupied only a loft and basement of the building, and the character of the packing of our goods is very heavy stock, and we use the sidewalk, more or less, in shipping, and in shipping the stock we had to take the stock from the elevator and had to let the stock remain on the sidewalk a certain length of time; and in shipping the goods it was necessary to use the sidewalk; and I was fined repeatedly for incumbering the sidewalk; and I got tired of it, and tried to arrange the matter so I would not be bothered, as I understood other merchants had done before me.

Q. That you understood was the general custom, didn't you? A. I did.

Q. Did you have a talk with the policeman about what you should do? A. I did complain to a policeman about it, and he suggested I should fix it.

Q. How did he suggest it? A. He said he would send someone to me that would arrange things for me so I would not be annoyed.

Q. That policeman you first spoke to was on the beat; wasn't he? A. I don't remember exactly whether he was on that beat or not.

Q. Was he in uniform? A. Yes, sir.

Q. He said he would send somebody? A. Yes, sir.

Q. Who did he send? A. I don't know who he sent; someone came to me and told me he had come to arrange matters with me so I would not be annoyed.

Q. Think if you can not recall the name of that second man that came to you? A. I don't remember it distinctly; I don't know—I have a slight idea—I think his name was Kelly; I could not say.

Q. Was it James Kelly? A. I don't know; I am not really certain of that, but I think that was the name; it was quite a number of years ago.

Q. What did Kelly say you might do? A. Well, he did not say anything what I could do; he said he came to arrange matters with me so I would not be annoyed.

Q. Did you arrange matters? A. Yes, sir.

Q. How did you do it? A. I asked him what it would cost; he told me \$50.

Q. Fifty dollars for how long a period? A. Twelve months, which I declined to pay.

Q. What were you willing to pay? A. Well, I told him I thought \$25 ought to be enough.

Q. What did he say to that? A. Well, he said he would try it.

Q. Did you give him the \$25? A. I did.

Q. How did you pay it to him, in money off-hand, or in an envelope? A. I put it in an envelope for him.

Q. Who told you to do that? A. He did.

Q. What reason did he give when he told you to put it in an envelope? A. Well, he did say if I had anything to send to anybody, he didn't mention a name distinctly, if I can remember correctly he did not object to put it in an envelope.

Q. Did he say what became of the envelope? A. No, sir; he did not.

Q. Did he say what he would do with it? A. He did not.

Q. You did give him \$25 in an envelope? A. Yes, sir.

Q. Was your card put in the envelope, your business card? A. No, sir.

Q. Nothing but the money? A. Nothing but the money.

Q. Did you ever give Kelly any more money? A. I don't know that I ever did.

Q. Was your address printed on the envelope? A. Very likely; my envelopes are all printed.

Q. And it was one of your business envelopes? A. I am not sure it was; it is a possibility of its having been one.

Q. Is it your recollection it was? A. I have no recollection whether I placed it in a business envelope or a blank envelope.

Q. Let us see; didn't Officer Kelly come again about a year from that time? A. He did.

Q. What did you do with Kelly on the second occasion? A. I do not remember whether I paid him again or not, because I either gave up business—I got out of that business the 1st of January, 1891, or 1890; let me see; I think it was 1890, or 1891; and I don't remember whether I paid him again or not; I know he came around; this party, I don't know his name positively, but the time is 12 months, or about.

Q. Do you remember his language when he came the second time? A. I do.

Q. What was it? A. He said he came to renew the lease.

Q. He came to renew the lease? A. Yes, sir.

Q. Was that envelope sealed?

Mr. Goff.—You heard that, Mr. Senators? The officer said he came to renew the lease.

The Witness.—He first asked me what the arrangement was. He came to my place. I did not remember him, and he asked me if I didn't, and he told me his name, which I don't remember now, and he told me what his errand was. I don't remember whether I paid him the amount or not.

Q. During that year you do remember, were you fined or bothered with suits or proceedings? A. I was not.

Q. You had, practically, immunity? A. Yes, sir.

Q. Do you know any other merchant who paid in the same way, or in a similar way? A. I do not.

By Chairman Lexow:

Q. What reason did this man give for asking you to put the money in an envelope? A. Well, my memory is a little off on that subject, and I can not just exactly recall the reason; I know it—

Q. You never had put money in envelopes for people before, had you? A. No.

Q. Did he ask you to seal this envelope? A. I don't remember whether he did or not.

Q. Was it sealed or not when you gave it to him? A. I don't remember that.

Q. Can't you remember, when he made this extraordinary proposition to put it in an envelope and hand it to him that way, what he said in connection with it? A. I don't remember distinctly; so I can't swear I did.

Q. Did he say anything about a drawer in the station-house? A. No, sir.

Chairman Lexow.—That is all.

Cross-examination by Mr. Ransom:

Q. Before you had seen Kelly, I understood you to say that you had been fined frequently for incumbering the sidewalk?
A. So charged; that was the charge against me.

Q. I understood you to say you were tired of paying fines?
A. Yes, sir.

Q. You were fined several times? A. Yes, sir.

Q. And, in order to escape liability then for violations of law, you paid this man \$25? A. I did not pay him for that purpose at all, sir.

Q. In order to escape being fined for incumbering the sidewalk, you paid him \$25? A. Well, probably so.

Q. Isn't that certainly so? A. Perhaps it is.

Q. Why do you say perhaps? A. I paid him for the privilege of not being fined; I don't say for violating the law; I don't know I ever did.

Q. Your idea is you paid him to avoid being fined? A. Yes, sir; to avoid being annoyed.

Q. How were you annoyed, except by the fine? A. I was annoyed by frequent threats of officers arresting my drivers, of notifications from the department of public works, to appear to answer charges against me for incumbering the sidewalk and so forth.

Q. You were annoyed by those charges, and by threats, and by proceedings, which resulted in fine, which you paid? A. Yes, sir; I paid, not all the time.

Q. You didn't pay all the time? A. No, sir; some of them were remitted; I paid the costs; some of the fines were remitted.

Q. I ask you again, if it is not true, that the object you had in paying Kelly \$25 was to relieve yourself from being fined for incumbering the sidewalk? A. Yes, sir.

Q. You regarded this transaction between you and Kelly as unlawful, didn't you? A. As lawful?

Q. As unlawful? A. I don't know that I did.

Q. Do you swear to that, sir; that you did not know, at the time you gave him \$25, that that was an unlawful act on your part? A. I won't swear to it.

Q. Isn't it true, sir, that you, to-day, and at that time you paid him the money, regarded the payment to him as a bribe to him or to the police to relieve you from the annoyance of being arrested or fined for incumbering the sidewalk? A. I do not regard it in that light at all, sir.

Q. What did you think it was? A. I thought and felt that I wanted to be relieved from the annoyance and bother which

other merchants were relieved from, which I knew to be a fact; no, sir; I knew I incumbered the sidewalk not as much as the neighbors all around me.

Q. You knew Kelly hadn't any right to demand \$25 from you? A. I knew all that, sir.

Q. And you gave it to him, notwithstanding? A. Yes, sir.

Q. Didn't it seem you and Kelly were on a par in that transaction? A. No, sir; nothing of the kind.

By Senator Cantor:

Q. This was in 1890? A. This was about 1890 or 1889, I think.

Samuel L. Brewster, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What is your residence? A. Seven Briton street, Jersey City.

Q. What is your business? A. Superintendent of the American line.

Q. That is the international line of steamers? A. The international line of steamers.

Q. You have two piers on the North river? A. We have only one in use yet.

Q. Have you a police officer on that pier? A. We have.

Q. What is his name? A. His name is Interman — Herman Interman.

Q. More than one? A. There is two lines; we have the Southampton line, and Red Star line, from Antwerp; the gentleman that testified yesterday belonged to the Red Star line.

Q. What was his name? A. Charles Beeck.

Q. Beeck belonged to the Red Star? A. Yes.

Q. What is the duty of policeman Interman, that you speak of? A. He regulates all thoroughfares on the dock of carts, and has entire control as to which carts shall go down, and so on, and all hacks and everything.

Q. What time does he go on duty? A. He goes on the morning; about 8 o'clock, I think.

Q. What time does he go off? A. Sometimes 8 o'clock the next morning; he is there all night when we are busy.

Q. How did you get Mr. Interman assigned to your pier? A. Well, I don't know just that a demand was made by anybody; the policeman was assigned to the pier, and when one was removed another was sent there.

Q. How long has Interman been there? A. I couldn't really say; three or four years; perhaps more than that; five or six years.

Q. You don't remember the man before him, do you? A. Yes, sir.

Q. What was his name? A. Thomas Brennan; he has retired, and pensioned off, and is a gatekeeper on the steamboat line.

Q. Is Interman attached to the steamboat squad? A. Yes, sir.

Q. Is Mr. Interman's name on the pay-roll of the company? A. Yes, sir.

Q. How much is he paid? A. Ten dollars a week, and the other man gets \$5.

Q. Beeck gets \$5? A. Yes.

Q. And Interman \$10? A. Yes, sir; he has only been there a short time.

Q. Who pays Interman? A. The money is sent from the office.

Q. Right into Interman's hands? A. No, sir; into the timekeeper's hands; the man that pays the labor.

Q. To the timekeeper personally? A. Yes; he receives the money in a small envelope.

Q. Have you ever talked with Interman about it? A. About what, sir?

Q. About the money he receives? A. No, sir.

Q. How did you come to pay him; he asked you to pay him? A. That was the custom all along, as long as I have been there.

Q. As long as you can remember, you have paid a policeman on that dock \$10? A. We have; a policeman is a very valuable man to us.

Q. You consider him a regular employe of the company; his name is on the pay-roll? A. His name is on the pay-roll to account for the money paid out.

Q. Do you know what Interman does for the money? A. I don't.

Q. Have you ever had any conversation with him or anyone else about it? A. I have not.

Q. Does Mr. Interman receipt on the pay-roll? A. Nobody does that; the same as any man paid, except a head man like myself, and the clerks under me; they sign receipts at the end of the month, but nobody else.

Q. Do you know of any other steamboat or steamship companies that keep officers on their dock that pay them as you do? A. They all have officers.

Q. Do you know anything about the payment? A. I don't know personally that they paid it.

Q. What is the general understanding among shippers or shipping men? A. I think they must be all alike.

Q. You do not think your company is an exception to the rule, do you? A. Oh, no.

Q. Where is Mr. Interman's station; where he is doing this work? A. He is everywhere.

Q. On the street or on the pier? A. On the pier.

Q. Is that pier leased to your company? A. Yes, sir.

Q. Is it not a public dock? A. It is not a public dock.

Q. And this man is doing work upon your private pier? A. On our private pier; we have handled, since the 21st of March to this date, 19,200 passengers, in and out, on that pier.

Q. And while he is receiving his pay from the city, as a policeman, he is also receiving \$40 a month, or \$10 a week, from your company, as private watchman? A. That is what he is paid.

Q. That is the way you understand it, is it not? A. Yes, sir; it is a gratuity; not a tax on us at all.

Q. If the policeman did not perform that service, you would have to employ someone else to do that work, wouldn't you? A. We would have to have someone with authority to arrest.

Q. A special policeman? A. He is away to-day to court with a man that stole coffee off the dock, to the Tombs.

Q. Is there anyone in your company that would have a more intimate knowledge of Mr. Interman's matters or arrangements with your company than yourself? A. No; I don't think so; I don't think they would know what he does with his money any more than they would what I done with mine.

By Chairman Lexow:

Q. Who has closer relations with Interman than you? A. No one; I am supposed to be a boss of the concern at the docks.

Q. Don't he come in closer connection with any other official of the company than yourself? A. No, sir; he does everything I ask him to.

Q. Has he ever told you what was done with this money he was paid? A. Never.

Q. When he came into your employ, did you make any special agreement with him to pay the \$10? A. That was kept right along.

Q. Without any agreement with the person at all? A. No; if he goes out to-morrow and another one sent there, he would come in for the same.

Q. It is a system adopted by your company for a long number of years back? A. Yes, sir.

Q. And is not made a question of contract between you and the policeman at all? A. Not at all; I have been 44 years there.

By Senator Bradley:

Q. Ten dollars has been paid every week during 40 years? A. No, sir; not every week.

Cross-examination by Mr. Ransom:

Q. I understood you to say it was necessary there should be an officer on your dock authorized by law to make arrests? A. Yes, sir; someone having power to make arrests.

Q. Somebody empowered to make arrests? A. Yes, sir.

Q. You know of no officer in this city or person having such power but a policeman, do you? A. I do not know, unless they are special policemen appointed.

Q. The services performed by this officer upon your dock have been described by you; will you please describe them? A. Well, he is a general utility man, as you may say; he is everywhere.

Q. What is his purpose? A. To keep the peace and protect passengers.

Q. To protect passengers from pickpockets? A. From hackmen, and all those things; he regulates the hacks.

Q. He is there really as a constable or peace officer? A. Yes, sir; last Wednesday we had 1,400 people go away from there.

Q. And in the discharge of that duty, it seems to you he is acting in the line of his office as a policeman? A. He is a policeman.

Q. But it is upon your private property? A. Yes, sir.

Q. And you pay him this sum of money for his services for you, in the nature of a gratuity, as I understand? A. A gratuity; it is not a tax; there has never been any amount stated.

Q. You have not been required by the officer to pay him for his services? A. No, sir.

Q. There has never been any bargain between you and the officer for his services? A. No, sir; the same as feeling a waiter in the saloon.

Q. There has never been any secret about it with you? A. Not that I am aware of.

Q. You don't regard it as an improper thing in giving him this gratuity A. I do not.

Q. You don't know whether he paid any amount of money to any superior officer, for the purpose of being detailed to that pier, do you? A. I do not.

By Mr. Moss:

Q. Isn't it the common rumor or understanding among the shippers that these officers do not keep all the money they get?

Mr. Ransom.—I object.

Chairman Lexow.—Objection sustained.

Henry Schuchert, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Jerome:

Q. What is your business? A. I am a carpenter by trade.

Q. How long have you been a carpenter? A. Well, about 45 years.

Q. And in this city? A. And in the city I have been near 30 years.

Q. Are you acquainted with Inspector Alexander Williams, formerly Captain Williams? A. Yes, sir.

Q. Did you know him when he was down in Oak street? A. I knew him before he was there, too.

Q. Begin down in Oak street? A. Yes.

Q. Now, did you have a saloon down in Oak street? A. No, sir.

Q. What did you have down there? A. First I was in 11 Rose street, a decent boarding-house, a big boarding-house; I had only charge over that; it was not my own; after awhile, it had to be sold for agents, and I found out the house had to be sold, and I did not want to go on the street, and I had a lot of money saved over, and I went to Pearl street, and rented a little house in Pearl street.

Q. You took your wife there with you? A. I had it ready; I am a carpenter by trade, and I make my little back bar, and finished it up, and had a plumber there, and gasfitter; there was nothing in the house at all, and plastering, and all this, and fix the house up from top to bottom, and as I was working there, some policemen there laughed at me and said to me; they said, "What are you going to make there?" "Well," I said, "I want to do some business here;" I don't know sure, little meals and small meals and couple of rooms and rent it out; not done; I can not tell.

Q. You were going to have a little saloon there, and serve meals, and were going to rent out a couple of rooms? A. Yes; and he laughed—the police—and he said, “You want to do something else; you want to see the captain first.”

Q. The man was on the beat there? A. Yes; he was on the beat, and said, “You go and see Captain Williams first.”

Q. And Williams was then captain of that precinct? A. He was captain in Oak street; well, then I had this done; I had some friends before in my boarding-house, you know; I give some meals and breakfast, and in the day when people come and want something to eat, I was ready for to do so, and tried to make some money myself; I had no children, only me and my wife and servant girl; so we had some friends, and I told them I am going to move soon, and I got another place, and when I am done I move out; “Well, let us know,” they said, and that was some party from Brooklyn, three nice gentlemen; a gentleman that owns a theater there; I was done—

Q. When you moved from this place to Pearl street, these gentlemen came there and boarded with you? A. I sent them a letter I was done; if they wanted to see me, come and see me, please, and he came in the night, about 6 or 7 o'clock; it is a good while ago.

Q. How long is it ago?

Mr. Jerome.—We are trying to begin with his whole history and show his biography right down. Captain Williams was sent to the Oak Street station 20 years ago.

Mr. Nicoll.—How long?

Mr. Jerome.—Twenty years ago, and we will trace him down.

The Witness.—It was about 20 years ago Captain Williams was in Oak street; and I knew Captain Williams when he was—

Q. This man came to see you? A. Yes; at Pearl street; these three gentlemen came to see me; now, I had a box of bottle beer—I am just speaking the truth; I took that upstairs myself, and sat it down in my sitting-room, and my wife was there, my servant girl, and these three gentlemen, and my servant girl was just out of a place, and was stopping a couple of days in my boarding-house.

Mr. Nicoll.—Is there any reason for this? The State has got to pay for the stenographer's minutes.

Chairman Lexow.—The State has got to pay for them, and we will attend to that.

Mr. Nicoll.—Is there any way to stop this man?

Chairman Lexow.—Mr. Nicoll, if you will sit down, please, I will attend to this witness.

Mr. Nicoll.—I am making my objection. I object to the evidence.

Chairman Lexow.—It is overruled. Go on, witness.

The Witness.—Eight o'clock, somebody came in and I attended the saloon and went upstairs and unlocked the door, and he came in, and Captain Williams and two detectives, and he took the key off the inside of the door, and he said, "You the owner of the place?" and I said, "What is the matter, you take my key from the door?" he says, "I am captain;" I said, "I know you are captain; I knew you were captain;" "And you are my prisoner;" "What for; what are you doing;" "Never mind what I am doing;" and two detectives came upstairs and get my wife and servant girl and three gentlemen, and Captain Williams got hold of me; so he says to me on the street; he says, "How can you start a business like this, without you come and see me?" I said, "Captain, what business I do? When I do anything wrong? I am not doing any business here at all; I am hardly ready; I just finished off the house; I'm not doing any business;" "You are not doing any business? I know what kind of business you are doing; I show it to you; if you want to do business like that, you have to come and see me first; you want to come to see me first; if you want to get out of this, you pay \$75; if you don't, I make it hard for you; after this you pay regular every month."

Q. Did he say what kind of business it was? A. No; he said I keep bad house.

Q. He said you kept a whorehouse? A. He said, you keep a whorehouse, and he locked me up on Friday night.

Q. You were taken to the station-house and put under bail? A. I was under \$2,000, I think it was, just like a murder; me and my wife.

Q. Nothing was ever done to you again? A. No; never called up again.

Q. So Captain Williams personally said to you, on the way from Pearl street to the station-house, that you were trying to keep a disorderly house there, and you could not open such a thing without seeing him? A. I say, must see him.

Q. You must pay him \$75 down, and see him every month? A. Yes; \$75, and see him every month in private.

Cross-examination by Mr. Nicoll:

Q. What year was this? A. That is about — I can not tell just particularly any year; it was — the Brooklyn bridge was there; that house I had for boarding-house was torn down; the city bought that; 20 years.

Q. Was the City Hall standing? A. The City Hall was standing before I landed here; I was here 33 years; oh, yes; I have been here 33 years.

Q. You are here 32 years? A. Yes, sir; I am here 32 years; you can not bring me around.

Q. What month was it? A. What month?

Q. Yes? A. I don't know particular any more; it is too many years ago; but I recollect it so far it was in the fall, or in the spring.

Q. It was in the spring? A. It was in the spring, well, I think about February or March; I can not tell no more; I can not say that for sure; I will not swear to the month; I can not do it; it is too long ago.

Q. Will you swear as to the year? A. I can not do that either; that is too much, you know.

Q. Can't you tell the year; can you tell within five years of what year it was? A. Twenty years ago.

Q. Why don't you talk out? A. If I be ready I will talk loud; I say 20 years off now.

Q. Speak up and answer the question? A. I say 20 years off it is from now; what we had then; 20 years ago it was; yes; 20 years ago.

Q. It was then in the year 1874? A. Well, I was not sure; I want to say something myself, but I thought I was a little wrong; about that time it was.

Q. Haven't you sworn it was 20 years? A. Yes; it is 20 years ago.

Q. Do you know what perjury is? A. No; I do not know.

Q. You don't? A. No.

Q. Do you know what false oath is? A. What?

Q. Do you know what false oath is? A. False oats.

Q. Do you know what it is to swear falsely? A. It is something in the English I can not let out; I know what that is; I know what swearing is; I have to swear what is correct; I understand that.

Q. Will you then swear that this transaction took place in the year 1874? A. I guess I can swear, and I told you a little while ago; I say, so far as I know, it is about 20 years ago; I can not swear particularly the year; I can not do it; if I expected I would come for this, I might have taken notice and marked it down; I did not think about it; because here they run me down, and make a poor man of me, and three or four days I had to leave the house, and I am not doing anything for it.

Q. He charged you with keeping a disorderly house? A. Yes; I was charged and bailed out.

Q. You were bailed out? A. Yes; somebody bailed me out — a friend of mine; I was out the same day too; they could not keep me there at all, because I did not like the place, and they never

had me there before, and I had friends bailed me out, \$2,000 bail; and the captain had the key of my house; when I come to Oak street, I said, "Captain, I want the key;" "Who bailed you out?" I said, "That is my business; I want the key of my house;" "I want to find out first;" I said, "You could not keep my key; I pay the rent for the house; I want my key now;" he said, "If you talk saucy, I will lock you up again."

Q. You made complaint; you talk too much? A. I am here to speak now; he said, "I attend to you and you got to get out of the house; you can not get any license or anything;" and then the next week —

Q. Was this before or after the arrest? A. That was after I was arrested; as I came for the key, then he said, "You got to move out some day next week."

Q. One moment; please answer my questions, and don't go on? A. I am so hard of hearing, you know.

Q. You heard Mr. Jerome very well? A. He spoke louder than you.

Q. I will speak louder if I can; were you keeping a disorderly house? A. I never had that kind of business.

Q. He charged you with keeping that disorderly house? A. He did.

Q. And he arrested you? A. He arrested me.

Q. You felt pretty sore about having been arrested? A. Yes; I felt sorry about it.

Q. You thought that you were doing a legitimate business? A. I thought I was all right.

Q. And he charged you with doing a wrong? A. Yes, sir.

Q. And that is the reason you felt sore against Captain Williams? A. Yes, sir.

Q. And have you kept that feeling for 20 years? A. I did, and will never forget it, because I lost the little money I had; I spent it in the property, so I want satisfaction of him.

George Alexander, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. You are a native of Constantinople? A. Yes, sir.

Q. How long have you been in New York? A. Nine years.

Q. And what business have you been in? A. The restaurant business.

Q. Where is your restaurant? A. I was keeping a place, 222 Catharine Slip.

Q. In keeping your restaurant, hadn't you a little case outside the door? A. Yes sir.

Q. Showing your meats? A. Oysters and clams, what I had at the saloon; oyster and chop-house.

Q. One of those slanting benches like? A. Yes, sir.

Q. What is your first name? A. George Alexander.

Q. Now, did the police interfere with you? A. Yes, sir.

Q. For keeping this little stand outside of your door? A. Yes, sir.

Q. Just tell the senators what the interference was? A. Yes, sir; in May, 1892, I took that place; I bought a place of another party, and in two days after the wardman called up to my place; he said, "Who is the boss, the old man that was there before?" I told him he went away; so he says, "You know what you have to pay for that place out there?" I said, "No; what was he paying?" he says, "He was paying \$5 every two months, so you have to pay that too," he said; I told him, "Don't I pay my rent in the place, and what do I want to pay \$5 every two months outside there;" he says, "you have to pay; if you don't, you have to take that in;" I said, "Wait a few days until I raise a little money, because I had to pay the money for the place;" and he came in after a couple of days, and I gave him \$5, and then I was paying that steady about 12 or 14 months, and in 14 months' time I fixed up my place, and then the wardman walked up to me Saturday night.

Q. Saturday night? A. Yes, sir; evening it was, about half-past 4 or 5 o'clock; he walks into my place, and he says, "I see you fix your place;" I said, "Yes;" he says, "You making money, I suppose;" "I aint making too much," I said, "I just making my living; I got to fix my place to do a little business;" "Well," he says, "You know to-day is a day you have to pay the \$5," so I told him, I say, "Can't you wait until Monday, because I fix up my place;" and it was the first day I started, because I closed up for three or four days; he says, "What do you take me for, a beggar, to come around here for a lousy \$5," I said, "Can't you wait until Monday?" he says, "No;" he says, "You have to give me \$5, or if you don't you take that stand in;" I said, "Can't you give me a chance, I bought so much stuff; if you take that stand inside, you break all my store;" he said, "You have to give me that money;" and I had to go out and hock my watch and pay him \$5.

Q. You had to pawn your watch? A. Yes, sir.

Q. To get the \$5? A. Yes sir.

Senator Bradley.—He did not give it to Detective Hock, but put it in the pawn office.

By Mr. Goff:

Q. What was the wardman's name? A. I don't remember the wardman's name, but I never asked him what his name was; and he came into my place and I handed him the money, and he went out, and I kept the place to 1893, the 15th of April, because the building is sold out, and they will put me out, as I have not a lease.

Q. What business are you in now? A. I am in a restaurant business from day before yesterday; day before yesterday, I had to let the place go; I kept a place, 103 James street, and kept the place three months, partners with another; I was working at night, and three loafers passed by my place and spied a lobster from my place.

Q. Who did? A. Those three loafers; so I did not see any policeman, so I waited at the door, and took off my apron, and took my hat from behind the counter, and I walked out, and I see the loafers stood on the corner of Cherry and James streets, and I was following the people on the other side of the street, and see the policeman, and I saw the loafer talking with the man keeping the saloon corner of Cherry and Oliver, and a policeman was outside, and the man was talking, and had the lobster in his hand, so I went over—it was 2 o'clock in the morning—I grabbed the thief and called the policeman; I said, "This man stole my lobster, and the thief turns around and hits me that way with the lobster, and the man started to run away and fell down on the sidewalk, and I said, "Why don't you get that man from there?" He said—he sent me to a hot climate.

Q. What did he say? A. He says, "What the hell do I care about your lobsters?" I said, "You protect that man," and he hit me besides; he said, "Go away about your business; I have nothing to do with the lobster, and I went up to the headquarters and made complaint against that man, and the next day they called me up, and Monday I went up to headquarters as soon as they called me up and made my complaint, and Tuesday night a detective came in my place—it was about 6 o'clock—10 o'clock, the time the detective came in; he said to me, "Who is the proprietor?" I said, "I am the proprietor;" he says, "Who is the complainant of that man?" I said, "I am the complainant;" he said, "You had a hell of a check to go up and make a complaint of that man;" he said, "I will fix you before long; I put you in prison;" I said, "What am I doing; I am not doing anything wrong;" he said, "I will fix you for that," and the next day another detective came in to my door and says, "All right; I know you; I will send you to prison before long;" so I got scared,

sir, so they didn't give me any satisfaction from headquarters, and I had to give up my place; I said, "I am afraid; I am in there all alone and them fellows they put up a job for me, and they told me about it, and they put up a job on me, and they will give me a dollar bill, or don't give him any change, or say they have got something to drink there, and send me to prison; who is to protect me then? my word won't go there, and as soon as they swear to that I go to prison.

Q. So you are out of business now? A. I have gone out of business since day before yesterday; I had to give up my place on account of those fellows, because that thief comes in, as soon as a detective comes and tell you they put you in prison; it breaks up my business; if the detective comes, how am I going to keep my place, if he tells me he will put me in prison.

By Chairman Lexow:

Q. If anybody tries to fix you, you go to Mr. Goff; do you know the detective's name? A. Yes.

By Mr. Goff:

Q. Give the name of the detective? A. Tom Thompson and the other is Pete Corbin, or something like that.

Q. What station are they attached to? A. To the Fourth ward.

Q. That is the Oak street station? A. Yes, sir.

Q. What are the detective's names? A. The first came in was Peter Corbin, I think, and the second detective, he came in and told me he go to put me in prison before long, is Tom Thompson, I think; that is what I heard from the people; and the policeman's name is John Adam, the fellow I had a complaint, but I never got any satisfaction; they asked me what it was, and of course he brought two or three witnesses on there, people I never seen before; and one fellow was there; he said the policeman spoke to him, and then he said he was five feet away, but I never got any satisfaction, but then they let him go.

By Mr. Ransom:

Q. Who did you see up to the police headquarters? A. I don't know, sir; I don't know the name of them; I never asked for a name of them; they sent a subpoena for me and I went there.

Q. They sent a subpoena for you? A. Yes; I went up and made a complaint; the next day they called the policeman, or three days after they called for me.

Q. Then the policeman was tried? A. Yes, sir.

By Chairman Lexow:

Q. Was he acquitted or fined? A. I never heard no fine; I heard nothing, but they told me to go home; that is what they told me; they brought two witnesses, and one of the fellows wasn't there; I said to the commissioners or inspector, I said, "That is the man I saw the thief talking to, and the policeman was outside, he said about eight feet from him, while I had hold of the thief; I grabbed him that way (indicating), and I hollered thief, and he struck me that way (indicating) on the face, and he ran; the policeman said, "Go to hell," and he didn't care anything about it.

By Mr. Goff:

Q. You would not be treated that way in Constantinople? A. No, sir; I don't think so.

By Mr. Ransom:

Q. How old are you? A. I am about 27 years old.

Q. You came here 11 years ago? A. No, sir; nine years.

Q. Eighteen years old? A. Yes, sir.

Q. From Constantinople? A. Yes, sir.

Q. Did you have any business there in Constantinople? A. No, sir; I was a fireman; I go around with the ships until I come to this country, and I came to Philadelphia, and from Philadelphia came to this city.

Mr. Ransom.—That is all.

Chairman Lexow.—That is all. It seems to me if that is part of the system, Mr. Goff, that it ought to be inquired into, if any complaint against the policeman is made by that party, it is as important an arrangement for inquiry as any other matter.

Mr. Ransom.—You remember the testimony of Jacobs, and the threats that were made to him?

Mr. Goff.—Shall we take an adjournment?

Chairman Lexow.—Yes; we stand adjourned until quarter after 2 o'clock. All witnesses under subpoena for this morning will attend again here at quarter after 2.

AFTERNOON SESSION.

June 22, 1894.

Present.—Senators and counsel as before.

Senator Cantor.—I want to make a statement, which in justice I think I ought to make. The question of adjournment has been talked of by the committee for the summer; sometime ago my name was used in connection with the adjournment in the

newspapers, though very courteously, I must say, stating that I intended to take a long and protracted trip, which was true. I have been afraid that counsel and my associates on the committee, through their generosity and courtesy, might consider my engagement, in coming to a conclusion in reference to a recess. I want to say, if it should be deemed necessary, in the interests of the public, and on behalf of counsel and the committee, that we should continue in session, I would like to have them disregard my personal comfort, convenience or engagement. While it is true that we, as a committee, have had a very laborious time since the 1st of January, the committee having been almost continuously in the public service, either at Albany or here since that time, and very much to the detriment of the individual members of the committee, and also the strain upon counsel, as we know, has been very severe, there has been splendid work in this matter by them, and I want to make this acknowledgment as a member of the committee representing the county of New York, of the splendid services rendered by Mr. Goff. I think public attention ought to be called to that fact, and I, as a member of the committee, say that I am prepared to continue the session during the summer, if necessary. I make this statement because I saw that my name was mentioned in the papers in connection with the adjournment, and while I feel grateful for the consideration that I have received, I am perfectly willing to co-operate with them, if they desire to continue during the summer months.

Chairman Lexow.—Are you ready to proceed with your witness?

John Delehanty, called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. You are an attorney and counsellor at law? A. I am.

Q. Practicing at the bar here? A. Yes.

Q. You are the attorney of Richard A. Canfield, are you not? A. Yes.

Q. Whose general reputation in New York is that of a gambler? A. I don't know what his general reputation is.

Q. You defended him to-day, did you not, in a gambling transaction? A. No.

Q. He was plaintiff in a transaction that arose out of his gambling-house, was he not? A. No.

Q. Well, he was plaintiff in a suit to-day, was he not? A. Yes.

Q. Do you mean to say that you never heard that Mr. Canfield kept a gambling-house? A. It has not been the subject of conversation between us.

Q. Did you never hear — you know we understand each other — you are a member of the bar here along with myself — do you not know that Canfield's name is a name well-known in New York, as the keeper of a gambling-house, and has been so for many years? A. I do not know that.

Q. You never heard that? A. I suppose what you call a club-house is a gambling-house; I have heard that he keeps a club-house.

Q. You do not want to differentiate between a club-house and a gambling-house, do you? A. I am not familiar with the terms by which such places are known; I beg to be excused from making definitions.

Q. I ask you directly the question, if it is not, within your own knowledge, a matter of common notoriety in New York, that Canfield keeps a gambling-house? A. No; I have heard him spoken of as keeping a club-house.

Q. Did you ever hear of Canfield keeping a gambling-house — let us come to the question shortly? A. It has been —

Q. I want yes or no; have you ever heard that Canfield kept a gambling-house?

Mr. Nicoll.— One moment —

Mr. Goff.— I object to counsel making an objection at this point.

Chairman Lexow.— Let him make his objections — are you making an objection, Mr. Nicoll?

Mr. Nicoll.— Yes.

Chairman Lexow.— State your objection to the committee.

Mr. Nicoll.— I wish the committee would inform counsel —

Mr. Goff.— Is this an objection? I think not.

Mr. Nicoll.— I wish the committee would call the attention of the witness to the provision of the statute relating to the question of privilege between attorney and client.

Chairman Lexow.— I think the witness knows his own business and can take care of himself.

Senator O'Connor.— We can not compel the witness to divulge any information as between client and counsel, but he has not claimed that privilege.

Mr. Goff.— He is a well-known member of the bar and can protect himself.

The Witness.— Allow me to state, that the only time that Mr. Canfield has ever been referred to in my presence as a gambler, and the only way by which I know that, is that on two occasions

it was stated in the pleadings—there was a reference made to something of that character in the pleading, and of course to that extent it would be privileged, but I would say this, that I know nobody who knows Mr. Canfield personally; he is a client of mine, and I only know him in a business way; what his general reputation is in the gambling fraternity or outside of that, I do not know.

Q. I do not want to inquire into your professional relations at all with Mr. Canfield; I only want to establish the identity of the person, that there are more Canfields than one in the city of New York; I want to establish the identity of the person with whom you were in the county court-house this morning, and that he is known as a gambler, as we understand it; I so understand it, and there was a defense this morning, setting up gambling, was there not? A. I decline to answer that.

Q. It is in writing, the pleadings? A. Nobody is entitled to see those pleadings but me; that is privileged.

Q. They are a matter of record? A. No; they are not.

Q. What; pleadings are not a matter of record? A. Not yet, in that case.

Senator O'Connor.—They ought to be.

Q. Do you not know that in the eye of the law the moment a summons is served, that every paper in connection with the case is of record? A. Yes, sir; but these are not matters of record, and nobody is entitled to have them—they may be matters of record to one of the attorneys in the case.

Q. Yes; and to the court? A. Yes; when they come before the court in proper form.

Q. And also to legislative bodies; they have a right to make them matters of record? A. I do not object to the committee calling for the pleadings, but allow me to say this, that this case does not involve a gambling transaction at all; while I am willing to state that in the pleadings there was something in reference to the note, which was the subject of the suit, which had arisen out of a gambling transaction.

Q. I do not want to inquire into the professional relations between yourself and your client, but I want simply the fact that you were in the county court-house this morning? A. Yes; I was.

Q. And you were present when he was served with a subpoena, were you not? A. No.

Q. Did you know that he was served with a subpoena? A. I did.

Q. Did you know that he had been served with a second subpoena? A. No.

Q. Did he tell you that he had been served with a second subpoena? A. All the conversation that I had with Mr. Can-

field to-day in this building was professional conversation; questions which I asked him as his counsel, and which I decline to answer.

Q. When I ask you that you can decline, but I have not asked you those questions yet.

Senator O'Connor.—It can not be privileged, if counsel has advised his client in reference to the service of a subpoena, if he has told him that he need not obey it.

Q. This was a short cause case, was it not? A. Yes, sir.

Q. Before the cause was called for trial, did Canfield tell you that he had been served with a subpoena, to appear before this committee? A. Yes, sir.

Q. After the cause was called it occupied more than an hour, and then it was placed in the general calendar, was it not? A. Yes, sir.

Q. So the cause did not come to a consummation or a final conclusion? A. It was found to be a case that required more than an hour, so it went back to the general calendar.

Q. After the case had been on trial, and after it had been restored to the general calendar, were you made aware that Canfield was again subpoenaed to attend before this committee? A. No.

Q. Not the second time? A. No.

Q. Canfield went with you to your office from the court-house, did he not? A. No.

Q. Where did he go? A. Mr. Canfield accompanied me out of the courtroom, and Mr. Elliott Norton, one of the parties connected with the case, called me, and I turned to speak to him, and when I turned back, after I had had some conversation with him, Mr. Canfield and the other persons connected with his side of the case had left the building.

Q. And you have not seen him since? A. I have not seen him since.

Q. Do you mean to say that you did not see Mr. Canfield in your office to-day, after you left with him here? A. I do.

Q. And you do not know anything about him going to your office, do you say that? A. I do not.

Q. Then he did go to your office? A. I was informed that he went to my office.

Q. Do you mean to say that you did not see him go into your office? A. No.

Q. Did he talk with you about the subpoena that was served upon him? A. Yes.

Q. Did he ask you whether he ought to obey that subpoena? A. You are referring to the subpoena that was served on him in the court-house this morning at half-past 10, are you not?

Q. Precisely; did he ask you whether he ought to obey that subpoena or not? A. Well, with the understanding that I am entitled to fall back on my privilege—

Q. You can not call that a privilege here? A. Then I decline to answer.

Q. We will make you answer? A. Allow me, will you, to state the grounds why I decline to answer; I decline on the ground that the only conversation I had with him to-day related to matters in regard to which he asked my professional advice.

Senator O'Connor.—Do you claim that it is privileged, if he advised with you about evading a subpoena? That is a misdemeanor. Do you claim you can give him advice as counsel professionally to evade a subpoena, and then screen yourself under the question of privilege? A. I did not advise Mr. Canfield to evade any subpoena; it is all unfounded assumption that Mr. Goff is working on; I told him his first duty was to himself and that he must stay right in that courtroom until I had tried his case, that he was a necessary witness.

Q. Let us see; did you leave the courtroom with him? A. I did.

Q. Do you not know, as he walked out of the courtroom door, that he was served with a second subpoena? A. No.

Q. Did you not see the subpoena server? A. No; I may have seen him; he may have been there; I would not know him; my mind was taken up with the case and nothing else.

Q. The case had gone off the calendar? A. Yes; but there were the witnesses yet.

Q. He asked you this morning whether or not he should obey that subpoena, did he not? A. Yes, sir.

Q. And you advised him that his first duty was to himself? A. Yes, sir.

Q. To remain in court? A. Yes; until his case was tried.

Q. And it was tried? A. Yes, sir.

Q. That is, it was partly tried? A. Yes, sir.

Q. So that it could not go any further? A. Yes.

Q. And he was discharged from attendance in that court for to-day? A. Yes.

Q. What court was that? A. Supreme Court Circuit, part I.

Q. Before what justice was that? A. Justice Andrews.

Q. And after the case was restored to the general calendar and he discharged from further attendance, and you have no knowledge of his requirement in any other court in this city to-day, have you? A. No.

Q. You say you did not advise him to keep away from this committee? A. I did not.

Q. Did he ask you whether or not he should obey the subpoena of this committee? A. He said, "Here is a subpoena to go forthwith upstairs to the Lexow committee;" I said, "You can not go now, your case is on; you have answered ready; it is a case involving \$20,000, and I will see Mr. Goff by and by and see if you can not get out of it."

Q. That was all the conversation, to see if you could not get out of it? A. Yes; for that time; anyway, I said, "You stay here."

Q. Until his case was through? A. Yes, sir.

Q. So we have it now on the record that after that, no words or conversation of any kind or nature, relating to this subpoena, passed between you and Canfield? A. That is the fact.

Q. Or through any third person to Canfield? A. Not at my suggestion.

Q. And were you asked, by any other person than Canfield, about the second subpoena? A. I was not.

Q. You did not convey any information either to him or any other person? A. No; directly or indirectly, I did not.

Q. Either in writing or orally? A. No, sir.

Q. So we have it, so far as you are concerned, as a reputable member of our bar, in which I know you personally, we have it here that it is your testimony that you in no wise advised or interfered in any way to prevent Mr. Canfield from obeying the subpoena to attend the session of this committee other than you have stated? A. That is a fact.

Q. And you did not hear any person in your presence tell him not to come here? A. Not at all; I was only with him for one minute and nothing passed between us.

Q. That is all I want; I did not think you would do such a thing, but I wanted to get it on the record.

Chairman Lexow.—I understood Mr. Delehanty to say that he never heard of the service of the second subpoena.

Mr. Goff.—Yes; so he says, that he never heard of the service of the second subpoena.

Q. What is Mr. Canfield's address? A. Providence, Rhode Island.

Q. Had he not a city address? A. Yes, sir.

Q. What is that? A. In Twenty-sixth street; I do not know the number; I can get it for you from my typewriter.

Q. Is it 22 West Twenty-sixth street? A. I beg you will excuse me, but I will send you a memorandum of it.

Mr. Goff.—All right, that will do.

Chairman Lexow.—Any questions? That is all.

Mr. Goff.—Will the sergeant-at-arms call Richard A. Canfield again?

The sergeant-at-arms then called Richard A. Canfield at 12 minutes of 3 o'clock, to which there was no response.

Senator O'Connor.—Was he subpoenaed forthwith?

Mr. Goff.—Both subpoenas were forthwith. When we found out that he was engaged in a legitimate manner as a witness on a trial we waited until a subpoena of this committee would not interfere with his attendance in court as a witness. As soon as he was discharged from court and his case was relegated to the calendar he was again served as he left, in the corridor of the building.

Chairman Lexow.—The committee have concluded that if you desire to procure his indictment for a misdemeanor, the committee will acquiesce in it.

Mr. Goff.—All right.

Chas. C. Strang, a witness called in behalf of the State, being duly affirmed, testifies as follows:

By Mr. Moss:

Q. Where do you reside? A. I would rather not tell where I live.

Q. Very well; I have the information here; were you at one time employed by the firm of Giles & Hill, produce merchants? A. I was.

Q. Where was their place of business? A. No. 232 Washington street at one time and at 84 Park place after that.

Q. How large a store did they have there? A. We had the entire building at 232 Washington street; I think it contained four floors; they did not have the basement and cellar.

Q. Did they use the sidewalk in their business? A. Not as a general thing.

Q. But they did make use of it occasionally? A. Yes, sir.

Q. That is, their produce was carried over the sidewalk? A. Sometimes.

Q. And remained on the sidewalk in transit? A. Yes, sir.

Q. Did you know a police officer by the name of Hickey? A. Yes, sir; I have seen him.

Q. Where did you see him? A. I used to see him passing along by the place of business.

Q. Did he come into your place of business? A. Occasionally.

Q. How often? A. I do not know that I can tell you just how often; as I understand it, he was not a patrolman, but was an inspector of incumbrances, or something of that kind.

Q. What is called an ordinance officer? A. I do not know what you call him.

Q. But he was a police officer? A. Yes, sir.

Q. Did you see Mr. Giles or Mr. Hills or either of them pay Hickey any money? A. Yes, sir.

Q. How was it paid? A. Mr. Hickey came around just before Decoration Day and solicited subscriptions for the G. A. R. fund presumably for the celebration of that day; they usually subscribed to that and then in the subscription book, in which he kept the list of names of the subscribers, they would place a bill, fold the book up and hand it back to them.

Q. You mean a bill in addition to the subscription? A. Yes, sir.

Q. Of what denomination would that bill be? A. That I could not say; I was not close enough to him to see.

Q. Refresh your recollection and see if you can not remember the denomination of the bill, that was placed in that book, in addition to the subscription for the Grand Army? A. I can not tell from personal knowledge, since I was not close enough to see it myself.

Q. Do you know that it was in addition to the subscription? A. I know it from what one of the firm said about it.

Q. From what Mr. Giles said? A. Yes, sir.

Q. What was the amount of the subscription? A. I can not tell you that.

Q. Was it not \$1? A. I could not say positively; it probably was about \$1.

Q. And was not the amount of the bill, \$10? A. I think not.

Q. Have you not so stated? A. I think not.

Q. Have you not so stated to a man named Pine? A. I know Mr. Pine; you have the denomination of the bill wrong or Mr. Pine has it wrong, I think; I never stated that it was \$10, I do not think.

Q. What did you state it was? A. Mr. Giles told me that it was \$5.

Q. Do you think you told Mr. Pine that it was \$5? A. Yes; I think so.

Q. Did you tell Mr. Pine that Mr. Giles subscribed \$1 to the Grand Army and put a \$5 bill besides, inside of the leaves of the book? A. That is probably what I told him.

Q. What was the purpose of putting that \$5 in the book?

Mr. Ransom.—The witness does not know that it was \$5 that was put there; he says that Mr. Giles told him.

Chairman Lexow.—Ask him whether he knows it was \$5 or not?

Q. What was the purpose of that bill that was put in the book? A. I do not know positively; I only inferred that.

Q. What information have you in regard to that? A. That we had better keep on the right side of the gentleman who had charge of the street incumbrances.

Q. Did the firm ever have trouble regarding street incumbrances? A. I think they were served with a notice once.

Q. And at that time were they paying Mr. Hickey or any other policeman when they received that notice? A. I think so.

Q. What became of the notice? A. I never heard about it afterward; I think it was not paid.

Q. You think it was not tried? A. No, sir; not that I know of.

Q. How frequently did Mr. Giles do that? A. I think only once a year; just about Decoration Day.

Q. Did Hickey claim to be a member of the Grand Army of the Republic? A. I believe so.

Q. And you mean to say that under cover of a subscription for the Grand Army this additional amount was paid for protection? A. That was the inference drawn.

By Chairman Lexow:

Q. That was the purpose of it? A. That was the purpose, as I understood it; I did not make the payment, neither do I speak for Mr. Giles, but that is what I inferred.

Q. Do you know any other merchants who made similar payments? A. Not positively; no, sir.

Q. Have you any information that other merchants did it? A. No, sir; I think nothing positive.

Q. What is your information; you evidently know something?

Mr. Ransom.—Will your honors take hearsay testimony?

Chairman Lexow.—If he has no positive information it is not competent.

Mr. Moss.—I wanted to get some names.

Chairman Lexow.—Do you know of anybody having paid for protection?

The Witness.—No, sir.

Q. Of their having paid similar amounts? A. No, sir; only from hearsay.

Q. Do you know anything from hearsay in your neighborhood; the names of other persons? A. I would not name anyone now.

Q. You do not know any names now? A. Not positively.

Q. Do you know whether it is a system in vogue there to pay money for this purpose? A. It is generally supposed to be by the merchants there.

Q. When you say supposed to be, is that the information you get from the merchants doing business around there? A. Yes, sir; and from talking among one another.

Q. Who have you heard there as having paid for protection; give their names? A. I can not give you any names.

Q. None at all? A. No, sir.

Chairman Lexow.—Any questions, Judge?

Cross-examination by Mr. Ransom:

Q. What do you say your business is now? A. I would rather not state my business now.

By Mr. Moss.

Q. You can state the nature of your business, can you not?

Mr. Ransom.—Mr. Moss, will you not let the witness and myself get along alone.

Q. Is it not a lawful business? A. Yes; a perfectly legitimate business.

Q. But for business reasons, you do not care to state it? A. That is it; yes, sir.

Q. Then I will not ask you; there is nothing wrong about it? A. No, sir; perfectly straight business.

Q. Did you state your present residence? A. No, sir.

Q. You do not care to state that? A. I do not; I would say to you that you may have this information privately, but I do not want it to go on record here; I know the newspapers would publish it, but privately you can have all the information about me that you want to know.

Q. You see, personally, I do not care anything about it, but professionally and as a man earnestly desiring to assist this committee and Mr. Moss in getting at the truth, perhaps I ought to have gotten this information, but as you object, I will not press the question; all you know about the payment of money to Hickey or the payment by anybody for protection, is what somebody has told you and what you have inferred from facts within your knowledge? A. No, sir; that is not so; I have just testified to what I saw.

Q. I understand; but I do not remember that you testified that the bill which was left by Mr. Giles in the book, was left there as a payment for protection; I thought you said that that was your inference? A. That is all.

Q. Then you see that I was right in my assumption in my question? A. It seems so; yes.

Robert B. Shimer, called in behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. What is your full name? A. Robert B. Shimer.

Q. And your business where? A. Three hundred and thirty-six Washington street, New York city.

Q. What kind of business are you engaged in? A. General produce.

Q. Do you use the sidewalk occasionally too? A. We have a store and the sidewalk; yes.

Q. Do you know an officer by the name of Kelly? A. I did at one time.

Q. That is James Kelly that we have heard so much about? A. I do not know his first name, but I presume that is it.

Q. Did Kelly make any approaches to you concerning payment for the sidewalk? A. He has done so; yes, sir.

Q. When did he do that first? A. Three or four years ago.

Q. Did he come into your store? A. Into the store and the sidewalk.

Q. What did he say to you? A. Well, it is a good while ago; I can not remember the exact words.

Q. Give the conversation as nearly as you can? A. He said the boys would have to have some money, or something of that kind.

Q. He was a jocular man, evidently? A. Yes, sir; and we saw him quite often and we became more or less better acquainted with him, and the price was \$50.

Q. That is what he told you? A. Yes, sir; first, and we finally settled for \$25.

Q. What did he say he would give you for \$50; what would he do for you? A. I do not remember that exactly.

Q. What was the purpose of the \$50, as you understood it? A. That we should have the use of the sidewalk.

Q. Did you pay him the \$25? A. He was paid that; yes, sir.

Q. In your store? A. I don't remember just where it was.

Q. Do you remember how it was paid? A. In bills, in an envelope with a card.

Q. With your business card? A. Yes, sir.

Q. Did he ask you to put it in an envelope? A. Yes, sir.

Q. What did he say at the time? A. He said that that was the way he was doing business, to put it in an envelope and he would take it and place it on the desk in the office.

Q. In the station-house? A. Yes, sir; at Leonard street.

Q. Do you know who got the envelope eventually? A. No.

Q. Have you any information on that subject? A. No.

Q. I understood you to say that you had conceded to someone that you knew it got to the captain, but you did not state the source of your information? A. I am stating that I supposed it went to the captain, but I do not know positively.

Q. Why did you so suppose it? A. I think he used to name "the old man" a number of times.

Q. He said "the old man?" A. Yes, sir.

Q. He used the name of "the old man" that we sometimes call "pantata" in these days? A. Yes, sir.

Q. And he also said that it would be put on the desk in the station-house? A. That is where he said he would leave it.

Q. How many of those payments did you make? A. Two payments, possibly three.

Q. That covered two or three years? A. Yes, sir.

Q. Those were annual payments? A. Yes, sir.

Q. Did there come a period when you thought you would stop making those payments? A. Yes, sir.

Q. And you did stop? A. Yes.

Q. You thought you would stop being blackmailed any longer and would not submit to it?

Mr. Ransom.—Is the testimony of Mr. Moss to be accepted?

Chairman Lexow.—Ask the witness your questions.

Q. Did you so stop? A. Yes.

Q. Why did you stop? A. For the simple reason that I had changed corners, and I had a much larger corner, and I did not think it would be necessary for me to be cramped up as I was, and it was not necessary for me to pay any more money; I had so much more room than I had before.

Q. What you mean is you had more room in your new corner and you could do without using the sidewalk? A. Yes, sir.

By Chairman Lexow:

Q. You paid rent to a landlord instead of paying to the police? A. Yes, sir.

By Mr. Moss:

Q. Did you, as matter of fact, make less use of the sidewalk than before? A. Yes, sir.

Q. Did you use the sidewalk less? A. Yes, sir.

Q. What happened after you went over on the corner? A. I was called on by Kelly a number of times.

Q. At the new place? A. Yes, sir; to renew my subscription; I made an objection, and I was reported as having goods on the sidewalk; the report went to the office—to the station-house, I heard of it afterward, but I believe it did not get to the captain; the report did not get to the captain; I was reported a number of times and finally it stopped.

By Chairman Lexow:

Q. What finally stopped? A. Kelly's reports.

Q. How did they stop—did he stop reporting you? A. Yes, sir; he did.

Q. Did anyone stop him? A. I think so.

Q. Did you start in paying again? A. I did not.

By Mr. Moss:

Q. Did you not have complaints made against you? A. Yes, sir.

Q. And you had to go down to the District Court and defend yourself? A. Yes, sir.

Q. How many times? A. I think I only was compelled to go once, and after that, through some friends or other parties, I did not hear any more of it.

Q. What arrangement did you make that stopped those complaints after that one? A. I was reported a number of times.

Q. But you went to some friend and had that trouble stopped; do you object to telling the name of the friend? A. I would rather not tell his name.

Q. Without telling the name of your friend, tell the circumstance; instead of paying money what did you do? A. I spoke of it to some of my customers who were at the store at the time, and told them that it was a very great annoyance to me; not so much an expense as the annoyance, to leave my business and go to court from day to day, and this gentleman says, "Leave it to me; I think I can arrange it so that you won't have to go again;" and it was arranged in some way.

Q. How—do you know? A. I do not know.

Q. Was that gentleman a public official? A. No, sir.

Q. Was he connected with any political organization? A. He might have been; not that I know of.

Q. What influence did he have? A. I do not know.

Q. Whom did he say he would see. A. He did not tell me.

Q. Have you any idea who it was? A. Not positively.

Chairman Lexow.—That is hardly competent.

Q. I do not want to make this man reveal his friend if I can help it? A. I would rather not state it.

Q. What kind of influence was invoked to save you from further annoyance in this matter? A. I can not tell you any further than that the gentleman said, "Leave it to me and I will fix it;" I believe I did not hear from him but once afterward; to tell the truth I think I heard of it once afterward, and I spoke to the gentleman again, and the gentleman said, "I will try again," and that was the last I ever heard of it.

Q. And he did not tell you who it was that he saw? A. No, sir.

Q. Was he a lawyer? A. No, sir.

By Senator Bradley:

Q. He had a pull? A. I presume so.

By Mr. Moss:

Q. Did he save you further trouble? A. Evidently he did.

Mr. Moss.—I will not ask the name of the gentleman unless the committee desires it.

By Chairman Lexow:

Q. You say he had a pull in your judgment; where? A. I do not know.

Q. Is it possible that he accomplished this for you without your asking him how he did it? A. Yes.

Q. Was it because you did not want to know? A. I did not think it was necessary after it was fixed.

By Senator O'Connor:

Q. You did not want to know? A. I did not ask him to tell.

By Senator Cantor:

Q. You were interested only in the result? A. Yes, sir; and I was perfectly satisfied.

Cross-examination by Mr. Ransom:

Q. You are aware that the sidewalk is devoted by law to the use of the public for pedestrians? A. Yes.

Q. You are also aware that you had no right, as matter of law, to incumber the sidewalk with your goods, are you not? A. We had to get our goods off from the truck to the establishment, and vice versa, and we used the sidewalk to a certain extent.

Q. Did you or not know that you had no right to use the sidewalk as a place of storage for your goods? A. I presume I knew it; it was a custom and we all did it.

Q. You understand that you are on your oath, you are an intelligent man; will you not answer my question? A. Yes; I will.

Q. I ask you for the third time, did you or not know that you had no right, as a matter of law, to use the sidewalk? A. I did not think of it at the time.

Q. Do you know now that you had no right to use it? A. I have been told so.

Q. You did not know it until you were told so? A. When I think of it; yes.

Q. You went down to court several times before Kelly and you made this arrangement for using the sidewalk? A. Yes, sir.

Q. And the complaint for using the sidewalk was tried? A. I would not say positively, but I think it was tried once.

Q. Did you ever pay any fine on those complaints? A. I can not say positively whether I did or not.

Q. I understood you to say, when you talked with this gentleman, whose name you decline to give, you said to him you did not care so much for the expense, but you did not want to be annoyed? A. I did say so.

Q. What expense did you refer to? A. The anticipated expense.

Q. What expense did you anticipate? A. He said they would make complaint and it was the fine and the court charges.

Q. Did you not know that if that complaint was pressed to a trial that you would be fined or might be, under the ordinance? A. I presume so.

Q. Why do you say you presume so; do you not know it as a citizen; was not that a fact, within your knowledge as a citizen and as a merchant, that you might be fined on that complaint of incumbering the sidewalk? A. I had already been fined.

Q. And you paid the fine? A. I won't say that I paid the fine; I do not know whether it came to trial or not.

Q. But you do say that you had been fined? A. We had been fined; yes, sir.

Q. And the purpose of paying Kelly the \$25 was to avoid being fined in the future? A. As much as to use the sidewalk; we wanted to use the sidewalk.

Q. You wanted to escape complaint? A. We wanted the room and wanted to stop the annoyance of going to court.

Q. I have distinguished precedent for this question; you realize, do you not, the obligation of your oath? A. Yes, sir.

Q. Please answer my question; did you or did you not, when you made the arrangement with Kelly to pay him \$25, expect to be relieved by Kelly from further annoyance, if you used the sidewalk? A. I certainly did at the time.

Q. And that was the purpose of paying him \$25, was it not? A. For that purpose and for the use of the sidewalk.

Q. Did you, at that time, and do you mean to testify now, that you thought that Kelly had the right to rent that sidewalk?

A. I didn't think he had anything to do with it only to act for others.

Q. Do you think he had the renting of that sidewalk? A. He showed every disposition that he had that right.

Q. Do you think that answers my question? A. That is the best answer that I can give you just now.

Q. You might give me a better one if you had time to reflect? A. I would have to think over it.

Q. Won't you keep thinking a few years and let us know?

By Mr. Moss:

Q. I do not understand you to say that you believed that you were violating the law when you used the sidewalk as you did? A. I did not mean to violate the law; no, sir.

Chairman Lexow.—That does not make any difference; the fact that the police levied on that violation is what we are inquiring about here.

Mr. Moss.—I am only asking that question in justice to the witness.

Chairman Lexow.—It makes it all the worse if it was; there may be some palliation in levying on a legitimate business, but certainly none whatever in levying on an illegitimate business.

Mr. Moss.—Very well.

Andrew J. Wellington, called in behalf of the State, being duly sworn, testifies as follows:

By Mr. Moss:

Q. Where is your place of business? A. One hundred and seventy-seven and 179 Duane street.

Q. You are a member of the firm of Clark, Chapin & Bushnell? A. Yes.

Q. You are the manager of that firm? A. The inside manager.

Q. How long have you been there? A. This firm has been in existence a little over three years.

Q. Did you have some annoyance in regard to using the sidewalk about two years ago? A. We had one or two complaints made; there was a complaint made the last time about a year ago.

Q. In consequence of this annoyance you had a conversation with a policeman, did you not? A. Yes, sir.

Q. What was the conversation? A. We had received a notice from the court in regard to obstructing the sidewalk, and I saw a policeman—I went out to lunch about that time, and I saw a policeman that I had never seen before, patrolling the

beat, and I told him that we did not really obstruct the sidewalk, and that he ought to be aware of that fact, being on that beat, and that we did not want to be annoyed or have trouble about it, and I knew some parties attended to that business, and if there was such a party I would like to see him; he said he had never been in a store on such business, but that there were parties in authority that had to be paid, and he would send me in such a man.

Q. Did he say it was a customary thing? A. That was all that he said on that subject, that he would send me in a man.

Q. Did an individual call on you? A. There was a man called the next day.

Q. Do you know who he was? A. I did not know who he was; he was not in uniform; he announced himself to be the man who had charge of those things in that district.

Q. That was the day after the conversation with the policeman, was it? A. Yes, sir.

Q. What did he say to you then? A. He told me it was customary for houses like ours to pay a regular fee, according to the size of the house.

Q. Did he say how much that was? A. My impression is—I would not be positive as to the amount; one of our neighbors, which was a larger house in the same line as ourselves, I think he said that their charge was \$50, and that ours would be \$25.

By Chairman Lexow:

Q. Did he charge per foot front on the street? A. No; he charged according to the business done by the house.

By Mr. Moss:

Q. Do you mean the size of the business done on the sidewalk? A. No; the relative size of the house; we did not do much of any business on the sidewalk.

Q. Your house was a different kind of business from that? A. We did not do as large a business as the other house; we did not do any business on the sidewalk.

Q. Did you come to an agreement with this agent? A. No; I did not agree to pay him anything at all; we talked the matter over, and I think Mr. Bushnell had some talk with him, and finally it was agreed that when the case was called up in court that he would see about it, and if we received any further notice, we were not to pay any attention to it, and we received no further notice, and I paid him no money.

Q. Did you make him any present? A. When he went out I gave him a box of cigars.

Q. Did you give him some coffee? A. I do not remember that I gave him any coffee.

Q. But you did give him a box of cigars? A. Yes, sir.

Q. And you have never heard anything from it since? A. No, sir.

Q. Have you had any corporation notice since? A. Not since that time.

By Chairman Lexow:

Q. How long ago was that? A. About a year ago.

Q. Are you ready with the next box now? A. That depends. Senator Bradley.—You got off very light.

Mr. Ransom.—No questions.

By Mr. Moss:

Q. I understood you to say that you make a point not to use the sidewalk? A. No; except where goods are brought in and unloaded, and then they are carried immediately into the store.

Q. So, as matter of fact, there is very little use of the sidewalk? A. We do not use the sidewalk at all for shipping; we have a long skid that goes from the truck to the store, and the goods are rolled right from the truck into the store and from the store to the truck.

Senator O'Connor.—Does counsel propose to deny this? It is hardly necessary to keep us here in this warm weather; I understand they practically concede it.

Mr. Goff.—We have not heard it denied; it is practically conceded.

Senator O'Connor.—Is it conceded, Mr. Nicoll, that they did these things?

Mr. Nicoll.—Do you think it is the function of the committee to ask counsel what they concede and what they do not concede? When I come to make concessions I will make them before a tribunal where I have some rights; not here, where I am constantly reminded that I am only here by courtesy. I will make no concessions before this tribunal.

Chairman Lexow.—It does not seem to be admitted. I do not suppose they will admit it.

Mr. Moss.—I think these cases will tend to show the general character of the business.

Chairman Lexow.—If you could limit your witnesses to testifying that the money went higher than to the man who got the envelope—

Mr. Goff.—It has been charged heretofore that the testimony of brothel keepers and persons of that character should not weigh against our very exceptional and good and moral police. Now we bring on merchants of acknowledged repute and integrity and we want to show the terrible inroads that the police have made in the way of bribery and corruption in this city.

Chairman Lexow.—It is strongly corroborative, especially if it is shown that the business is illicit, done in violation of law, showing that when a merchant does it he is violating the law and therefore the policeman knows it and is levying money upon him and allowing him to violate the law; that is strong corroboration of what we have already had.

Mr. Goff.—Yes; but it goes further than that; the police compels the citizen to commit the crime of bribery. The police compel them to do it.

Edwin H. Sayre, called in behalf of the State, being duly sworn, testifies as follows:

By Mr. Moss:

Q. You are a member of the firm of R. C. Williams & Co., are you not? A. Yes, sir.

Q. Wholesale grocers at 56 and 60 Hudson street? A. Yes, sir.

Q. Have you been considerably troubled in regard to violating some of the city ordinances? A. Well, not in some years, we have not.

Q. When did you have trouble with the police? A. Three or four years ago.

Q. Was it not in 1892? A. No; I think it was previous to that.

Q. Eighteen hundred and ninety-one? A. Yes, sir.

Q. What did they do to you? A. They troubled us.

Q. What kind of trouble did they make you? A. We used to get notice from the corporation attorney, every three or four months, stating that our accumulated fines was something like three or four hundred dollars, and calling on me to settle.

Q. Did they not take your horses and wagons sometimes? A. No.

By Chairman Lexow:

Q. You settled, did you? A. I called on the corporation attorney and settled.

By Mr. Moss:

Q. That is, you paid the \$300? A. No.

Q. How did you settle? A. For \$12.

Q. You settled for \$12? A. Yes.

Q. You mean to say you settled a claim for \$300 for \$12? A. That is what we did.

Q. How was this claim of three or four hundred dollars made up? A. I do not know; Mr. Steckler at that time was corporation counsel, and he told me—

Q. You mean corporation attorney? A. Yes; and he told me that every time there was a complaint lodged against our concern, a certain amount of fine went with it, and that it was their custom to receive complaints against our concern, three or four times a day, and then, in the course of two or three months, we would get a notice to appear, and the accumulated fines were then very large.

Q. To whom did you pay the \$12? A. The corporation attorney.

Q. To Mr. Steckler, personally? A. Yes, sir; I don't know that I paid to him personally; probably to his cashier.

Q. Do you know whether Mr. Steckler was present at the time that you paid the money? A. Mr. Steckler told me at the time that it was his province to investigate these complaints, and if, in his opinion, it was the best thing to do, he could compromise and settle upon a payment; and if not—if we did not care to settle it that way—we could carry it to the District Court.

Q. How much receipt did he give you? A. I took a receipt for \$12.50 in settlement of fines.

Q. Did that receipt show the fines that were settled by the payment? A. I could not say.

Q. Where is that receipt? A. I could not say where it is now.

Senator O'Connor.—Is there any claim that the city did not have the benefit of this settlement?

Mr. Moss.—No.

By Mr. Moss:

Q. Did you pay any money beside the \$12? A. No.

Q. That is all you paid? A. Yes.

Q. How long did that practice continue? A. Probably for a year or more.

Q. Then did you get relief? A. Yes, sir.

Q. Tell us how you got relief? A. Mr. Steckler did what he could to relieve us; he knew that they were very unjust; that it was nothing but a system of persecution, and he finally advised me to let the matter go to the District Court and have a trial, which was done.

Q. You did have a trial? A. Yes, sir; we had a trial before Justice Mitchell; I think he was justice at that time.

Q. Peter Mitchell? A. Yes, sir; now dead; we had a very elaborate trial in which the decks were cleared, and he made a great speech to a lot of Chinamen and court attaches, and it was published in the papers the next day, and he finally told me that he would fine me \$5, but if this matter came up again we would probably be fined the full extent of the law.

Q. Did you have any other such cases? A. No, sir; that was the only one.

Q. That is not telling me how you got relief of the whole business? A. I do not know how we got relieved; we have never been troubled since.

Q. Have you not made any payments to anyone else since? A. Oh, yes.

Q. Who have you paid? A. The police.

Q. What police have you paid? A. The precinct wherein we do business.

Q. Who did you pay it to; to what man? A. I don't know his name; he was the wardman, I believe they called him.

Q. What precinct is that? A. That I could not tell you.

Q. Do you know where the station-house is? A. Yes, sir; on Leonard street.

Q. And the wardman came to your house, or where was it paid? A. We paid it right in the store; we were called on and told that the only way this matter could be settled was by payment to the police.

Q. Did the wardman tell you that? A. He told me the captain wanted to see me, and I called on the captain and had a very pleasant interview with him, in which he told me that nothing could be done for us, that we were violating the law constantly, and the only way that we could do business was to go to Hoboken or somewhere else.

Q. Who was the captain? A. I could not tell you; I do not know his name.

Q. But he was the captain in the Leonard street station-house in 1891, was he? A. Yes, sir.

Q. Did not the captain say something further? A. No; nothing further; he said he was very sorry, but he did not see how it was possible for him to help us, and as long as we continued to do business of passing goods from the store to the trucks or from the trucks to the store, it was his duty or the duty of the officer to report us for violating the law.

Q. Did you see the wardman after that? A. The next day the wardman came to see me—I think it was the wardman.

Q. Did the captain tell you that the wardman would call on you? A. That I do not remember.

Q. Just think for a moment? A. No; I do not remember; I know he called on us the next day, and asked me how I got along with the captain; I told him very well, that the captain was a very nice fellow, but that he could not do anything for me.

Q. Just think; did not the captain say that he would send someone down to look at the place and see whether you were violating the law? A. Well, possibly he did, but I do not recollect now.

Q. Try and think? A. I have tried; I have thought it all out before now.

Q. You have thought of it before you came here? A. Yes, sir.

Q. You say that the wardman asked you if you had seen the captain; now go on and tell the rest of that conversation? A. I told him that the captain did not seem to be able to do anything for us.

Q. Was there anything else said? A. He asked me if I did not know that the captain had a "mou't" on him.

Q. That he had a what on him? A. Had a "mou't," the same as any other man.

Mr. Goff.—He means mouth without the "h."

Q. Was that wardman Kelly? A. I could not tell you; I never knew his name.

Q. Tell us the rest of the conversation? A. That is about all there is to it really, but he told me that that thing could be settled by the payment of money; I told him I did not see any reason why we should pay any money for the privilege of doing business, as our neighbors and competitors were doing business, and he said they probably paid money or they would be troubled the same as we had been.

Q. Did you come to any arrangement with the wardman? A. I finally found that in order to do any business at all, it was absolutely necessary to pay somebody something, and I told him, if he would guarantee me entire freedom from the annoyance of being complained of to the corporation attorney; if he would guarantee to keep his patrolmen out of the store asking for tea and canned goods for their families and calling for Christmas presents and other presents during the year, that we would pay him \$50 per year, and that I did not want any more trouble with it, and he said he thought that would be a very satisfactory arrangement, and he took the first installment of \$25.

Q. When did he take the second installment? A. Six months afterward.

Q. Did you pay it in an envelope? A. Well, yes; we did it very openly; we told him to go to the cashier and get it.

Q. Was your card in the envelope? A. No.

Q. Was your business house named on the envelope? A. Probably.

Q. How many such payments have you made? A. We have been making them very regularly throughout the different changes on the force until the last payment, which was due last March.

Q. Did you make it then? A. No; they forgot us then; our arrangement was to pay the 1st of October and the 1st of March, and they did not generally miss the date.

Q. Have not you seen anyone at all representing the police department since then? A. No; they have entirely forgotten us.

Q. Can you assign any reason why they passed you over? A. No.

Chairman Lexow.—The committee can infer.

Q. How do you know about the changes in the police administration in the precinct? A. That is a mystery I never knew.

Q. You said you had a different administration or change— A. Oh, how did I know; I did not understand you; I noticed there had been frequent transfers from one precinct to another.

Q. Do you mean to say that different men called on you for the money? A. Yes.

Q. How many different ones? A. The arrangement was made in 1891; I do not know the captain's name; an old gentleman, a very clever old fellow.

Q. An old gentleman? A. Yes; and shortly after that he was transferred up town, and his successor, with his succeeding wardman arrived on time, and we were called on just the same.

Q. Who was the successor? A. That I do not know.

Q. Did you ever see that captain? A. No.

Q. Ever have any communication with him? A. No.

By Chairman Lexow:

Q. Did the successor seem to know just what the business arrangement was? A. I was called on one day by a stranger and he asked me my name, if I was Mr. Sayre, and I responded that I was; and he wanted to know if I had anything for him, and I told him no; I did not know who he was; and he says, "I am from such and such a precinct," mentioning the number, and I told him that I did not know anything about such a precinct; had never heard of it; and he said, "That is your precinct right here;" and I said, "Is that so?" and he said, "Yes; don't you want to see me?" I said, "No;" he says, "Don't you pay something?" and I said, "Yes, yes; we pay something;" says he, "How much do you pay?" and I said, "\$25;" and he took

a book out of his pocket and run his finger down the page and found the name apparently —

Q. Did he mention the amount that you were to pay? A. No; but he said, "How often do you pay \$25?" and I said, "Once a year;" and he said, "Are you sure of that?" he said, "It is \$50 down here."

Senator Bradley.—Your lease was put on record then?

By Mr. Moss:

Q. I would like to have you describe that second man? A. I could not describe him; I paid very little attention to the man; it is some years ago, but it has been a standing joke around the store ever since.

Q. Can you not tell how old he was? A. I do not think I could even recognize the second man.

By Chairman Lexow:

Q. Did you have a third man come around? A. Yes; we had a third man.

Q. Did he also have a book? A. I don't think he did; but they called very regularly.

Q. Did the third man seem to know, without any explanation, what he was after? A. Yes; apparently he did.

By Mr. Moss:

Q. Do you not know who the third man is? A. No, sir.

Q. What number was the last man who called in March? A. No one called in March.

Q. Who was the last man that called, the third or fourth man? A. I do not remember; I paid no attention to that; if a man came in that I presumed was the wardman he got his usual contribution.

Q. During this entire period over which you have testified, have you had any complaints made against you for violation of the ordinance law? A. No; not at all — we did not violate the law anyway.

Q. You have had your wagons up against the sidewalk, have you not? A. Yes; we have had to unload our trucks and to load them; we back them up against the stoop and loaded them and unloaded them as quickly as possible without interfering any more than we could help.

Q. It is a fact that they had to be backed up against the stoop? A. Yes; but we left a passageway for the foot people.

By Chairman Lexow:

Q. The foot passengers went up about three steps on your stoop and so on, and then down? A. Yes, sir.

By Mr. Moss:

Q. Before that arrangement was made the officers came in and got fruit and tea and such things from you? A. I don't know much about that; they may have and may not have.

Q. But at all events you have not had any of that since?

Chairman Lexow.—We do not care about that.

Mr. Ransom.—Not any questions.

George W. Davis, called in behalf of the State, being duly sworn, testifies as follows:

By Mr. Moss:

Q. Are you of the firm of Nathaniel Fisher & Co.? A. Yes, sir.

Q. That is a firm of shoe dealers? A. Yes, sir.

Q. Where? A. One hundred and forty-six Duane street.

Q. Do you occasionally make use of the sidewalk? A. Only in receiving and shipping goods.

Q. Have you had any visits from policemen? A. Not to my knowledge.

Q. Have there been any moneys paid to policemen by your firm? A. No, sir; not to my knowledge.

Q. Could there have been without your knowledge? A. There could not; I do not believe it would be possible; it would naturally pass through my hands or under my supervision.

Mr. Moss.—No further questions.

Mr. Ransom.—No questions.

William M. Perry, called in behalf of the State, being duly sworn, testifies as follows:

By Mr. Moss:

Q. Your firm address is 872 Washington street? A. Yes, sir.

Q. What is your business? A. Fruit and produce.

Q. You make use of the sidewalk? A. Yes, sir.

Q. Ever had any inquiries from policemen about the use of the sidewalk? A. I can not say that there have been inquiries exactly.

Q. You have had talks with policemen? A. We have had some talks; yes, sir.

Q. When was the first talk that you had with them? A. I could not say as to that.

Q. Who has called on you? A. The wardman.

Q. Do you know his name? A. No; I do not.

Q. Did you pay the wardman any money? A. No.

Q. Have you ever paid him any money? A. No, sir.

Q. What did he say to you about paying money? A. He said that we used too much of the sidewalk, and it would be necessary for us to settle in some way or other.

Q. What was his exact language? A. That was it as nearly as I can recollect.

Q. Did he say how much you would have to pay? A. No; there was no sum specified.

Q. Let me see if I can refresh your recollection; did not he say, "Well, you know what we are all after, green goods?" A. I can not say positively as to that; there may have been something of that sort said; he called on me frequently; once or twice a week while on the beat.

Q. Did you not offer him \$10? A. I never made him any offer.

Q. Have you not so stated? A. Never have; no, sir.

Q. Have you not so stated to Mr. Okie, that you offered him \$10? A. No, sir; that is a mistake; I never offered him any money.

Q. What did you say to Mr. Okie? A. I do not know the gentleman's name; there were several gentlemen called on me at different times; and I think there was something of this sort said; I asked him if \$10 would be any consideration; I think that was the language used at the time; I did not make him any offer.

Q. That was not an offer? A. I do not think it was.

Q. What did he say about the \$10? A. He said that was not quite enough.

Q. What did he say more than that; how much did he say would be enough? A. I do not remember that there was any sum specified; I asked him if \$10 would be a consideration, but I do not think he mentioned any amount.

Q. He simply said it was not enough? A. He said \$10 was not enough.

Q. Did he not say to you, "\$25 and nothing less?" A. I hardly think so, he may have said so.

Q. "That nothing less than \$25 will do?" A. I really would not like to say positively whether it was or not.

Q. Did you tell Okie that he said that? A. That I can not say; there has been so many visitations at my place I don't remember.

Q. You do not mean to say that he did not say that to you? A. I would not like to say positively whether he did or did not say that.

Q. The result of it is, generally speaking, that you proposed a certain sum to him, which he rejected as not being enough, is that right? A. If you call that a proposition.

Q. Yes; I think that is a proposition; did you pay any money to him? A. Never have.

Q. You are positive of that? A. I never did; we have been fined and paid the fine.

Q. Did you leave any money for him anywhere? A. No, sir.

Q. Was there any corporation case against you at or about that time? A. There have been about 10 corporation cases a year against us for the last three or four years.

Q. Are such cases pending now? A. No; they have all been dismissed.

Q. How recently have they been dismissed? A. Two or three months ago was the last one.

Q. And you have been having them right straight along before that time? A. Yes, sir; we were always on the list every time; every time there is a lot out we are on the list.

Q. But you have never paid the police? A. Never a dollar, except to the corporation attorney.

By Chairman Lexow:

Q. Did he give you the impression that if you paid a sum, that is, the policeman, that would be large enough, that you would not suffer any more annoyance? A. He carried that idea; yes, sir.

Q. The policeman conveyed that impression to you? A. Yes, sir.

Q. And you refused it? A. Yes, sir.

• Mr. Ransom.—Do your honors take the witness' impression?

Q. What was the language he used? A. As I recollect it, he said, when I asked him if \$10 would be a consideration, he said it was not enough, and he went away; he called on me several times and whether there was any amount specified by him or not, I can not tell now.

Q. After the question by Mr. Moss, in reference to the \$25, the conversation between you and Mr. Okie on that subject, can you now remember whether he said \$25 would rid you of any further annoyance? A. I recollect this—that there were several of our brother merchants there who were interested in my case, who did not seem to be annoyed at all, on both sides of me, and one or two of them came to me about that time and said it would be better for me to pay \$25 and get rid of the fellow's annoyance that I was subjected to than to be annoyed; that is where the \$25, I think, came in.

Q. But you preferred to stand your rights and to submit to suit and fine 10 times a year since? A. Yes, sir; that is the idea exactly.

By Senator Bradley:

Q. Did you ever make them any presents? A. No, sir.

Q. Any Christmas presents or anything of that kind? A. No, sir.

Mr. Ransom.—You see there are one or two citizens who did not think it was right to pay the police.

Chairman Lexow.—Yes; apparently.

Mr. Moss.—Yes; and they had to pay for it too.

Chairman Lexow.—Yes; in three years; 30 cases would cost him more than if he had paid \$25 a year in bribe money.

Edwin H. Sayre, recalled:

By Mr. Moss:

Q. Did one of these officers say something to you about the manner in which the \$50 was divided up, the percentages, where it went to? A. I had a very ordinary conversation with him; I did not attach much importance to it.

Q. Never mind the importance that you attached to it; it was one of the officers, was it? A. Yes; the man who collected the money.

Q. What did he say? A. In the course of the conversation I told him that he ought to get a very large income, if they taxed everybody as he was taxing us; in making him some one of the payments, I remarked that he ought to grow rich very fast, and he says, "Oh, my, I don't get any of this; I don't see a cent of it;" I said, "Who gets it;" and he says, "I hand this to the captain;" and then I said, "Well, the captain must be getting very rich;" and he says, "The captain don't get very much of it; he may get his percentage; I don't know anything about that;" I said, "Then, it goes higher, does it;" and he said, "Yes;" I said, "I suppose the inspectors get it, then;" and he says, "Higher than that;" and I said, "Well, then, you must get up to a superintendent;" and he says, "Higher than that;" I said, "Now, you are getting up around the police commissioners somewhere;" and he said, "I guess it goes higher than that, even."

Mr. Ransom.—I did not know there was any place higher than that.

Q. Go on and give the conversation; the rest of it? A. That was just a sort of a jovial conversation with him.

Q. Did you ask him what he meant by higher than the commissioners? A. I told him that must mean the grand boss of all, and he said, "You are getting hot now."

Q. Did you designate the grand boss by any other name or title? A. No.

Q. You said the grand boss? A. Yes, sir.

Senator Bradley.—The grand pantata.

Mr. Ransom.—Does this witness say that he said that?

Mr. Moss.—No; he does not say that.

Q. Was there anything further said about percentage; I caught the word percentage in your statement? A. No; nothing further than I have stated.

Q. He said, possibly the captain kept a percentage; was anything else said about percentage, as it went above the captain? A. No, sir.

Q. You have given the conversation as nearly as you can recollect it? A. Yes, sir; just about.

By Chairman Lexow:

Q. Do you think you have made a statement of all the facts that you know in connection with this kind of business that has come within your personal knowledge? A. I think so; this last, however, is rather unfair to take it from me, I think; I do not know of anything else connected with it; it has always been a sort of a joke around the office and the wardman has been a very pleasant, jovial sort of fellow, and I joked with him whenever I saw him.

By Mr. Ransom:

Q. Do you know the name of this man with whom you had this conversation? A. I do not.

Q. Did you say when on the stand before that the man you paid the money to was Kelly? A. No.

Q. We have had his name used here so often by witnesses, I forgot whether you mentioned the name of the man to whom you paid the money? A. No, sir; I did not mention any name.

Q. You do not know the name of the man? A. I could not tell you the names of any of them.

Q. Can you tell me when it was that you had this talk with this wardman, whose name you do not know? A. I could not tell you; it was at a period at one of the payments that we made; I do not know whether it was the first, second or third.

Q. It was about 1892, I think you said? A. Eighteen hundred and ninety-one, when we first commenced to pay.

Q. It was about that time, you think? A. Yes, sir.

By Chairman Lexow:

Q. Either the first, second or third? A. Yes, sir.

By Mr. Ransom:

Q. These payments that you made were half-yearly? A. Yes, sir.

Q. In October and March? A. Yes, sir.

Q. Was the talk at your store? A. Yes, sir.

Q. Anybody else present? A. There probably was, but I do not remember.

Q. Do you remember anybody else being present? A. I do not.

Joseph P. McDowell, called in behalf of the State, being duly affirmed, testifies as follows:

By Mr. Moss:

Q. You are in the fruit business at 270 Washington street?

A. I was previous to the 1st of May.

Q. You have recently moved? A. No; I am out of business.

Q. I understand that you sometimes used the sidewalk? A. Yes; I used to.

Q. And you did not have to pay any money to the police? A. I didn't have to pay anything.

Q. You paid no money? A. No, sir.

Q. How did you get your protection or freedom from interference? A. Sometimes we were fined and paid the fine.

Q. But you paid moneys outside of that, did you not? A. I think not.

Q. You gave presents outside of that, did you not? A. Directly in one sense I know nothing about it, and in another sense I do.

Q. How do you know? A. I know our shipping clerk came to me and said it was necessary to make a little present to the policemen; that occurred probably once or twice a year.

Q. What were those presents? A. Probably a few raisins or oranges or something of that kind, probably amounting to \$2 or \$3 or \$5.

Q. A box of raisins or a box of oranges? A. Yes, sir.

Q. To whom were those presents made? A. Somebody called for them; I don't know who.

Chairman Lexow.—That weakens the force of the other testimony. Mr. Moss.

Q. What is the name of your shipping clerk? A. Isaac Lockwood.

By Chairman Lexow:

Q. Did not you make any money payments? A. No, sir.

Q. Not to anybody? A. No, sir.

Q. At no time during your experience there as a business man?

A. As a business man of 28 years I never paid any money to the police.

Q. Were you ever sued for violating the city ordinance? A. Yes, sir.

Q. Fined? A. Yes, sir; and paid the fines.

Q. How often? A. I could not say; several times.

Q. Lately; how often? A. Not within several years.

Q. They sued you for violation of the ordinance—did that cease when you made these presents of raisins or oranges? A. I think so.

By Mr. Moss:

Q. Did you make presents to the sergeant and the captain of the precinct? A. Not that I am aware of.

Q. Do you recollect a conversation with a Mr. Pine? A. No.

Q. Or with a gentleman who was interested in drawing up an ordinance for the relief of merchants in the city? A. I do not recollect.

Q. You have forgotten that? A. Yes, sir.

Q. Do you recollect stating to Mr. Pine that you made presents to the sergeant and the captains? A. I think that is a mistake.

Q. That you think could not have happened? A. I think not.

Q. Suppose I should show you Mr. Pine's affidavit to that effect, would that convince you that you were mistaken? A. I do not know whether it would or not.

Q. Or that your recollection was at fault? A. I could not say; I have no recollection of anything of the kind; I am not aware that we ever made any presents to the sergeant or the police captain.

Q. You will not say that you did not—you will not say that your firm did not? A. So far as I know, we did not.

Q. It might have been made without your knowledge? A. If it was made at all, it was made without my knowledge.

Chairman Lexow.—Any questions?

Mr. Goff.—A number of the witnesses that we had under subpoena and who answered to their names this morning have not returned to court this afternoon. Many of the merchants told me it was a very busy day, the day before Saturday, which is, practically speaking, now a holiday, and their business interests were suffering. We will be compelled to move an adjournment now. We have had a pretty good day of it.

Chairman Lexow.—Until Tuesday morning at half-past 10.

Mr. Goff.—Yes.

Chairman Lexow.—The committee will stand adjourned until Tuesday, June 26, 1894, at half-past 10 a. m.

Proceedings of the thirty-second meeting of the committee, Tuesday, June 26, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Jacob A. Cantor, Daniel Bradley and George W. Robertson; John W. Goff, W. Travers Jerome and Frank Moss, of counsel for the committee; Rastus S. Ransom and DeLancey Nicoll, of counsel for the police board.

Chairman Lexow.—Are you ready, Mr. Goff?

Mr. Goff.—Mr. Chairman and Gentlemen.—I subpoenaed Captain Schmittberger this morning for the special purpose of asking him regarding an alleged interview had with him in the newspaper one day last week, touching the question of counsel to this committee paying for testimony. Captain Schmittberger is here. After a conversation with the captain, and also with the reporter who wrote the alleged interviews, I am thoroughly well satisfied that the interview was without foundation. Captain Schmittberger, in justice to him, did not have that interview. I, therefore, will not call Captain Schmittberger this morning.

Mr. Nicoll.—And he is excused.

Mr. Goff.—He is excused. This I deem but justice to the captain.

Chairman Lexow.—And in justice to yourself as well. I do not think any statement of that kind ought to go out to the public.

Louis Stager, recalled as a witness, testified as follows:

Direct examination by Mr. Goff:

Chairman Lexow.—The witness has been sworn.

Q. Now, Mr. Stager, you were asked to bring your check-books here this morning; you have presented me with two check-books?

A. I have made a statement Friday about some application; I made a statement that I had made an application for a concert license; I made a statement Friday that I had made an application for a concert license, which was in the newspaper, that I made an application personally; what I meant by it was I made application by a party of the name of Bloom; Bloom made an application; I have not made an application.

Q. So when you said on Friday you had made an application, you was not correct? A. That I made it myself; I went there to make application, but not me personally made it; Bloom made it.

Q. You are in partnership with Bloom? A. Yes, sir.

Q. What Bloom applied for you applied for? A. Certainly.

Q. What have you to correct? A. Only I seen in the paper I made that application.

Q. Your conscience is on a fine edge this morning? A. Yes, sir.

Q. Did you get the license? A. Yes, sir.

Q. When? A. Around the 1st of August.

Q. Have you an application for license pending now? A. I have not, sir.

Q. Anyone connected with you in business? A. Well, I don't know if it is pending now or not.

Q. Have you put in any application for license? A. We did, sir.

Q. By whom or when? A. Mr. Bloom.

Q. And yourself; for what saloon? A. For 271 Bowery.

Q. Two hundred and seventy-one Bowery? A. Yes, sir.

Q. When did you put in the application? A. Sometime in January, I believe.

Q. Of this year? A. January—yes; this year.

Q. Eighteen hundred and ninety-four? A. Yes, sir; this year.

Q. When did your license expire? A. The 1st of February.

Q. And have you been running since without a license? A. I have not been running at all, sir.

Q. Closed up? A. Yes.

Q. And hadn't you an engagement last Friday afternoon with some parties to try and get a license Friday? A. No, sir.

Q. Weren't there negotiations pending last Friday while you were testifying here? A. No, sir.

Q. Had you seen anyone in connection with obtaining that license? A. No, sir.

Q. Haven't you talked with Keat about it? A. With Keat; no, sir; I have not talked about it.

Q. Haven't you dissolved partnership with Bloom? A. He only resigned and separate owners, and we never separated, so we had no partnership agreement whatever, sir.

Q. Haven't you got away from Bloom altogether? A. No, sir; Bloom is a brother-in-law of mine.

Q. What? A. Bloom is a brother-in-law of mine.

Q. Didn't you put some money in that business? A. So did he.

Q. What has become of the money you put in? A. We lost it.

Q. How many licenses did you obtain altogether? A. For what place, sir.

Q. All your places; commence to mention them? A. I really can not tell you, sir.

Q. We will see if we can not refresh your memory? A. I had to have a new license every three months.

Q. For what place? A. Every place; both places.

Q. What place; two places? A. Yes, sir; but they were not running at the same time there.

Q. Did you ever have relations with a man by the name of Smith in obtaining licenses for you? A. I don't remember the name, sir.

Q. Did you ever know a man of the name of Smith in connection with the obtaining of any license? A. I saw so many Smiths, but I don't remember anyone that I should have any connection with in obtaining a license.

Q. Did you ever pay a man by the name of Smith any money in connection with obtaining a license? A. Not that I know of.

Q. Will you swear you did not? A. I don't remember the name of any man of the name of Smith.

Q. You will swear you have not paid a man in three years? A. Not as I remember.

Q. Will you swear you never paid a man of the name of Smith \$500 for obtaining a license for you? A. No, sir.

By Chairman Lexow:

Q. You swear positive? A. I swear positive I did not pay anybody.

By Mr. Goff:

Q. I ask you about a man of the name of Smith? A. I do not remember any man of the name of Smith.

Q. Will you swear now, Mr. Stager, that outside of the legal fees you were charged by the authorities, that you never paid any person directly or indirectly for their services in obtaining any license for either your 255 Bowery place, or 271 Bowery place? A. I will, sir.

Q. That you never paid any money? A. Never paid any money.

Q. Directly or indirectly? A. Directly or indirectly.

Q. Either by your own hands or through anyone else's hands? A. No, sir.

Q. And it has never cost you a cent? A. No, sir.

Q. In any manner, shape or form to obtain a license? A. No, sir.

Q. Has your place ever been pulled? A. Yes, sir.

Q. How many times? A. Once.

Q. Pulled as a disorderly house? A. I don't know what it was pulled for.

Q. Were you arrested? A. Yes, sir.

Q. What were you arrested for? A. I don't know; I know I was arrested.

Q. How were you disposed of? A. I was discharged by Recorder — by Judge Cowing, I believe, and a jury of 12 citizens.

Q. What were you tried for? A. I don't know what I was tried for.

Q. Was you tried for murder? A. I don't know what it was for; I know I was tried and acquitted.

Q. Were you tried for picking pockets? A. I don't know.

Q. Were you ever charged with being a pickpocket? A. I don't know, sir.

Q. Don't you know what you was tried for? A. I was tried for the saloon which was closed up.

Q. Were you tried for being a thief? A. I don't know; I never stole anything.

Q. I ask you what you was tried for? A. I was tried for closing up that saloon.

Q. Why didn't you say that first, when you said you did not know; when you answered me you did not know what you were tried for, were you swearing to an untruth? A. I don't know, sir.

Q. You repeat you do not know what you were tried for? A. No, sir.

Q. You went before a jury? A. Yes, sir.

Q. You don't know what the charge was against you? A. It was three years ago.

Q. Did you ever hear the charge against you? A. I don't remember, sir.

Q. Did you? A. I don't remember.

Q. Who was your lawyer? A. I believe Mr. Steckler.

Q. Were you not brought before the police sergeant at the desk, when you were arrested? A. Yes, sir.

Q. What charge was made against you there? A. I don't remember, sir.

Q. Were you not brought before the police magistrate? A. Yes, sir.

Q. What police magistrate? A. I don't remember what the name was.

Q. What court was it? A. In Essex street.

Q. Did you not hear a charge made against you there? A. No, sir.

Q. Was there any charge made against you there? A. There must have been.

Q. Was there to your knowledge? A. There must have been.

Q. Was there? A. Certainly there was.

Q. What was the charge? A. I don't know; I have not heard it; my lawyer was attending to it.

Q. You did not hear the charge made against you? A. No, sir.

Q. Was your counsel with you? A. Yes, sir.

Q. In Essex market police court? A. Yes, sir.

Q. Now, will you tell this committee, and swear on your oath, that you did not hear the charge made against you when you were brought to the station-house before the sergeant? A. I do not swear; I did not hear the charge; that is what I swear; I do not remember what the charge was.

Q. Was it for picking pockets? A. I answered once; no, sir.

Q. Was it for picking pockets? A. No, sir.

Q. Was it for forgery? A. I never done that.

Q. Was it for forgery? A. No, sir.

Q. Were you charged with counterfeiting? A. No, sir.

Q. Was you charged with being a bunco steerer? A. No, sir.

Q. Were you charged with being a pimp? A. No, sir.

Q. What were you charged? A. I do not want you to call me with being a pimp; I am a married man.

Q. What were you charged with? A. I don't know; I answer you I was charged on account of the saloon.

Q. Doing what in the saloon? A. I don't know what it was; I did not do anything as far as I know.

By Senator Bradley:

Q. It was not holding prayer meetings, was it? A. No, sir.

Q. Were you not brought down to plead to an indictment in the Court of General Sessions? A. I remember I pleaded not guilty.

Q. Not guilty to what? A. I don't know.

Q. Why did you say not guilty? A. Because I was advised to say so.

Q. You were advised to say not guilty to what you did not know you were pleading to? A. I don't know what the charge was then; I know I pleaded not guilty.

Q. How did you know, if you were charged with keeping a saloon, that charge would have been true? A. Yes, sir.

Q. How do you know when you said not guilty you did not say a lie? A. I don't remember what the charge was; I tried to remember.

Q. How do you know when you said not guilty you did not tell a lie? A. I remember then I did not tell a lie.

Q. How do you know when you said not guilty you did not say a lie? A. I know it.

Q. How do you know when you said not guilty you did not say a lie? A. I knew it then I did not lie.

Q. You must have known what the charge was made against you? A. I might have known what the charge was, but I do not know now what it was.

Q. Do you think these Senators here are sitting here and listening to you perjure yourself word after word; do you think these men will listen to you perjuring yourself? A. I am telling the truth.

Q. You are? A. Yes, sir.

Q. You swear every word you have said is the truth? A. Yes, sir.

By Chairman Lexow:

Q. Have you been arrested so often that you do not know now what the charge was against you that time? A. I have never been arrested before that time.

Q. Doesn't that make an impression on your mind, that you were arrested and tried? A. Yes.

Q. And is it possible you do not know what you were tried for? A. I do not remember what I was tried for.

Chairman Lexow.—I would not continue it, Mr. Goff. This man must be shattered in mind.

Mr. Goff.—It is wonderful that this man should stick to perjury as this man has done.

Mr. Nicoll.—Is it proper to condemn his own witness?

Mr. Goff.—He is not our own witness. It is unfortunate we have to call so many of this kind of witnesses.

Q. You have been asked to produce your check-books here? A. Yes, sir.

Q. By the way, you was with Gombassy at the time you were arrested, weren't you? A. No, sir.

Q. Wasn't he interested with you in the business? A. No, sir.

Q. Not at all? A. Not at all.

Q. Wasn't he manager for you? A. In Brooklyn; I said that last Friday.

Q. You ran another dive in Brooklyn, didn't you? A. I never ran a dive.

Q. You have been asked to produce your check-books here; you have produced—I hand you the two check-books, so you can identify them; are those the two check-books? A. Yes, sir.

Mr. Goff.—We want them marked for identification.

(Books marked Exhibit 1 and 2 for identification, June 26, 1894.)

Q. Are those all the check stub-books you could get? A. That is all the check stub-books I have left.

Q. Where did you find those? A. On the shelf.

Q. You had other check stub-books? A. Yes, sir.

Q. Where are they? A. They are gone.

Q. Where are they gone to? A. They were used up and thrown in the ash barrel; kept a few days and thrown in the ash barrel.

Q. This check-book, marked for identification Exhibit 1; the first date here is December 15, 1893.

Chairman Lexow.—What was the date of the first check there, Mr. Goff?

Mr. Goff.—December 15, 1893.

Chairman Lexow.—That don't cover the time about which you interrogated me.

Mr. Goff.—The last date was March 19, 1894.

Q. Does the check book, Exhibit 1, which I speak to you about, or the stub-book, comprise the stubs of all checks drawn by you between December 15, 1893, and March 19, 1894? A. Yes, sir.

Q. You drew no other checks? A. No, sir.

Q. For any purpose? A. No, sir.

Q. Either of your own name or anyone else's name? A. If I drew any other check I entered it on that stub there.

Q. Did you draw any other check, either in your own name, or your wife's name? A. No, sir.

Q. Or anyone else's name, except the checks represented by the stubs in this stub-book, Exhibit 1? A. That is all, sir.

Q. And you had only one check-book in use at that time? A. What, sir?

Q. You had only one check-book in use at that time? A. Yes, sir.

Q. Exhibit 1, here, is that check-book? A. Yes, sir.

Q. Did any person have any check-book in use for you, or in any way connected in business with you? A. Well, sir—

Q. Covering this period of time? A. Not that I remember, sir.

Q. Don't you know whether you had or not? A. No, sir; they had not.

Q. You swear positively no person had any check-book in use for you? A. Well, I don't know exactly.

Q. Or for your business? A. I don't understand you, sir; what do you mean by use for me?

Q. Had you any person having charge of a check-book in his name or any other name? A. No, sir.

Q. On account of your business? A. No, sir; I signed the checks myself.

Q. Or in which you were interested? A. I signed the checks myself.

Q. Or in the business you were interested in? A. Any business I was interested in I signed the check myself.

By Chairman Lexow:

Q. That is included in that book? A. During that time; yes, sir.

By Mr. Goff:

Q. You were in partnership with Bloom at the time, weren't you? A. No, sir.

Q. Were you in partnership with anyone? A. That has nothing to do with the check-books.

Q. Had you a check-book in connection with your business? A. No, sir.

Q. How did you pay your bills? A. By checks.

Q. Checks out of this check-book? A. Yes, sir.

Q. All expenses in connection with your business were paid by checks from this check-book? A. Only bills; not expenses.

Q. What expenses were paid that were not paid by check? A. Salaries.

Q. Any other? A. No, sir; it may be any small bills.

Q. Yes, very small amounts; is that it? A. Small amounts; yes, sir.

Q. Outside of that, every check that was drawn in connection with your business was drawn from the stubs of this book? A. Yes, sir.

Q. Did you have a private check-book for your private account? A. I had no private account, but I have another check-book which I used to draw checks, and entered it on the stub.

Q. Where is the check-book you drew from; where is that other check-book? A. It is all gone.

Q. Where has it gone? A. The checks was all gone.

Q. Where are the stubs? A. I throwed it away; I didn't use any stubs since it was kept.

Q. When did you throw it away; when was that? A. I don't remember when it was.

Q. A year ago? A. No, sir.

Q. A month ago? A. A few months ago.

Q. Why did you throw it away? A. I had no use for it.

Q. Did you use all the checks on the other check-book? A. Yes, sir.

Q. Why didn't you draw the checks out of this check-book? A. I didn't have it with me; when I got home I entered it on this book to account in the bank for it; only drew a check as I would take a piece of paper, and enter it in this book.

Q. This was a pocket check-book you carried with you? A. Yes, sir.

Q. And if you were out you drew a check out of this pocket check-book, and entered it in this book? A. Yes, sir.

Q. How did you keep track of the numbers? A. I did not keep a record of it.

Q. They are all in rotation here? A. You will see they are not all in rotation.

Q. Well, I see here a check No. 683, February 26, 1894, and the next check is No. 687, February 26, 1894; how can you account for the difference between 683 and 687 on the same day? A. It is a mistake.

Q. Well, look at it? A. It is a mistake in the number; I made a mistake in the number.

Q. You made a mistake in the number? A. Yes, sir.

Q. Are all these writings in your handwriting? A. Not all of them; some of them; some of them are not in my handwriting.

Q. Whose else's writing is it? A. I don't know whose handwriting it is; but may be somebody wanted a check and I told them to write it out, and I signed it.

Q. Here is a check No. 453, February 12, 1894, is that in your handwriting? A. No, sir; that is not in my handwriting.

Q. Whose handwriting is that? A. I can't tell you whose the handwriting is.

Q. Who had the right to make entries? A. Anybody I had write the check, and I hadn't time, and I signed it.

Q. Who had the right to write it? A. Whoever came up and asked me for anything when I wanted a check in a hurry.

Q. You had clerks there, hadn't you? A. No, sir; I hadn't any clerk.

Q. You mean to say any stranger who came in you asked them to write out a check for you? A. No stranger; anybody I knew.

Q. Who wrote that out? A. I don't know.

Q. Here is a check made to A. Levy, retainer, \$50; whose handwriting is that; what is that for? A. That is for a retainer for —

Q. For what? A. That is private affairs; shall I go into my private affairs?

Q. If necessary, Mr. Stager, we will take an excursion there with you. A. If the Senator will say it, I will answer your every question.

Chairman Lexow.—Answer the question.

A. For a lawsuit.

By Mr. Goff:

Q. A lawsuit? A. Yes, sir.

Q. Well, I see that the next check is No. 654, February 12, 1894, the same date; how can you account for the difference

between No. 453 and No. 654? A. I wasn't particular, the numbers.

Q. You were not particular of the numbers? A. No, sir.

Q. Did you put down any number that came in your head? A. No, sir; I only put it down by mistake.

Q. Is check No. 654 your handwriting? A. Yes; it is my handwriting.

Q. And do you want to say that you put down 654 there without looking at the previous number? A. I must have.

Q. What? A. This is not my handwriting.

Q. So you said; 452 is in your handwriting? A. Yes, sir.

Q. A previous check? A. Yes.

Q. While 654 and 453 — you mean to say you put down 654 at random? A. At a mistake; yes, sir.

Q. You make a great many mistakes that way; a mistake? A. Yes; I might have.

Q. Here is No. 644; is that in your handwriting? A. Yes, sir.

Q. It is in your handwriting; the next check to that is No. 445? A. Yes, sir.

Q. Whose handwriting is that in? A. My own.

Q. How is it you turned around and wrote No. 644 on the 6th of February and the 8th of February you wrote No. 445? A. It is another mistake.

Q. Another mistake? A. Yes, sir.

Q. You are telling the absolute truth, of course? A. I am, sir.

Q. And you think we all believe you, do you? A. Well, I am telling the truth.

Q. Do you think we are all believing you?

Mr. Nicoll.—I object.

A. I don't know what you are thinking; I am telling the truth, sir; I can not tell what you are thinking.

Q. What bank did you have your account in? A. German Exchange Bank.

Q. The German Exchange Bank? A. Yes, sir.

Q. Did you have more accounts than one in that bank? A. I had a previous account.

Q. At one time did you have more accounts than one? A. At one time; no, sir.

Q. And in whose name was that account? A. It was in my own.

Q. I thought you said it was in the name of your wife? A. This is in the name of my wife.

Q. You never had an account there in your own name, did you? A. I did.

Q. When? A. About three years before, I think, or a year and a half.

Q. Give me your wife's full name? A. Mary Stager.

Q. Has Mary Stager any account but this one? A. What, sir?

Q. Had she any account but this one in the German Exchange Bank?

By Senator Bradley:

Q. Any other account? A. Any other account; no, sir

By Mr. Goff:

Q. Had she any other account in any other bank? A. Not that I know.

By Chairman Lexow:

Q. You would know whether she did or not? A. Not a business account; I know she did not.

Q. Do you know in a general way about your wife's affairs; don't you? A. As a business account, I know she hadn't.

Q. Don't you know she had another bank account? A. Not business account; she might have a savings bank account.

By Mr. Goff:

Q. I understand you to say that there were no checks drawn upon the account in the German Exchange Bank in the name of your wife, Mary Stager, except such as are shown by the check-books in Exhibit 1—by the check stubs? A. During that period of time; yes, sir.

Q. And also in Exhibit No. 2, for identification, from March 20, 1894, to June 22, 1894; is that true, also, of Exhibit 2? A. Yes, sir.

Q. There are the stubs of Exhibit 2, representing checks drawn by the German Exchange Bank, during that period of time? A. Yes, sir.

Q. And no other checks were drawn by you in your own name or your wife's name, or anybody else's name, during that period of time, except the stubs shown here in Exhibit 1 and Exhibit 2? A. Yes, sir.

Q. You understand me? A. Yes, sir.

Q. Now, of course, Mr. Stager, you never paid anything for police protection? A. No, sir.

Q. You were never asked it? A. No, sir.

Q. You were never interfered with? A. No, sir.

Q. Never annoyed? A. Except that time when they broke me up.

Q. Except the time you were charged with something you did not know what it was? A. The time they closed me up; yes, sir.

Q. Your relations have always been delightful with the police—friendly? A. I had no dealings with the people that I know of; I don't know of any relations being friendly with the police, or not friendly.

Q. You never had to go to any person to pay any person money for obtaining a license, either in your name or anyone else's name in this city?

Mr. Nicoll.—He has been over that.

A. I did not, sir.

Q. At any time? A. At any time, sir.

Mr. Goff.—We will keep these check-books here.

By Chairman Lexow:

Q. Do you know the wardmen in your district? A. Yes, sir.

Q. What are their names? A. I don't know them by their names.

Q. How often do you see them? A. Quite often.

Q. Come to your place often? A. They used to when I was open.

Q. How often? A. Every Sunday night, pretty nearly.

Q. They came in there? A. Yes, sir.

Q. You were keeping open? A. Yes; sacred concert.

Q. They saw you keeping open? A. Yes; sacred concert.

Q. Did you open up right again after you had your jury trial? A. No, sir.

Q. Did you remain closed? A. Yes.

Q. How long? A. For a year and a half.

Q. And did not do any business during that year and a half?

A. Only in the liquor business, regular saloon business.

Q. Do you know on whose complaint you were arrested? A. On Captain McLaughlin's.

Q. Did he make the complaint himself? A. I don't know, sir.

Q. You don't know whether any of the wardmen made the complaint? A. I don't know who made the complaint.

Q. Had you seen Captain McLaughlin before? A. No, sir; I seen him maybe.

Q. You knew him by sight, did you? A. Yes; I knew him by sight.

Q. Had he been in your place? A. Not that I remember, sir; he might have, but I never seen him there.

Chairman Lexow.—Any questions.

Mr. Goff.—That is all — just one more question, Mr. Stager.

Q. You know Mr. Loeb here, the lawyer (pointing to Mr. Loeb)?
A. Who?

Q. Mr. Loeb, the lawyer? A. Yes, sir.

Q. Did you ever employ Mr. Loeb to negotiate with any persons to obtain any license for you? A. I did not.

Q. Did you ever talk with him? A. I did not; I was down with Mr. Loeb once —

Q. With whom? A. With a client of Mr. Loeb's.

Q. Simon Butner? A. Yes, sir.

Q. That is a brother of Gombassy, isn't it? A. Yes.

Q. Did Mr. Loeb introduce you to Butner? A. I believe he did.

Q. For what purpose? A. I don't know what purpose; I went there with Mr. Butner.

Q. Weren't you and Butner engaged in business at that time?

A. I never have been engaged with Butner in business.

Q. Weren't you interested in a license to be obtained? A. Not me, sir.

Q. Didn't you offer to put up \$1,500 as security, if you could get your license? A. I wanted to pay \$1,500 —

Q. Did you offer to put up \$1,500? A. No, sir.

Q. You wanted to pay out \$1,500? A. Or a part share of a business at 304 Bowery, which was Mr. Butner's business at that time.

Q. Three hundred and fourteen? A. Three hundred and four, sir.

Q. What brought you down to Butner's, to Simpson's? A. I went down to Mr. Butner.

Q. Didn't you offer there to put up money in Butner's as a guarantee that you would pay that money if you obtained that license? A. Not for a license, sir; for the business.

Q. Did you instruct Mr. Loeb to guarantee that you would put up \$1,500 if you could obtain a license? A. I have never instructed Mr. Loeb to put up anything.

Q. Did you say to Mr. Loeb you would put up \$1,500? A. For what purpose?

Q. To obtain a license? A. No, sir.

Q. For 304 Bowery? A. No, sir.

Q. Did you have any conversation with him on the subject of a license at 304 Bowery at any time? A. Yes, sir.

Q. At that time? A. I don't know which time it was.

Q. Do you remember going to Simpson's? A. Yes; I remember going there.

Q. You requested Mr. Loeb to introduce you to this Butner, didn't you? A. No, sir.

Q. Were you present when he introduced you? A. I must have been present if he introduced me.

Q. Don't you remember you offered to put up \$1,500 as security for obtaining a license of 304 Bowery? A. I never offered that.

Q. Did you? A. No, sir; I did not.

Q. Did you ever offer to put up Peoria Whisky stock to the value of \$1,500? A. I did; but for what purpose?

Q. You offered to put up whisky stock? A. I wanted to put up \$1,500 for half share in the business.

Q. Who had the Peoria Whisky stock? A. The what whisky stock?

Q. Who had the Peoria Whisky stock? A. I never had Peoria Whisky stock.

Q. Did you have any whisky stock? A. Yes, sir.

Q. What is the name of it? A. Distiller's stock.

Q. When did you get that? A. Two years ago, or a year and a half ago.

Q. Have you got it now? A. No, sir.

Q. Don't you know that you offered to put up some of that stock as a guarantee, or for the purpose of paying \$1,500, if you could get a license for 304 Bowery? A. No, sir; I wanted to put that money up for half interest in the business.

Q. In what business? A. Three hundred and four Bowery.

Q. Didn't you go to Mr. Albert Bach, a lawyer? A. Who, sir?

Q. B-a-c-h, and offer to give him \$1,500 if he obtained a license for that price? A. I never offered \$1,500 to him or anybody else.

Q. Or any other sum? A. No, sir.

Q. Do you remember Mr. White, the banker, to whom you were introduced? A. I don't remember; I know I was introduced to somebody down town.

Q. Who was present? A. I think Mr. Butner, or Mr. Loeb.

Q. Was not Mr. Butner and Mr. Loeb both present? A. Maybe both of them.

Q. And you swear you did not offer to put up either \$1,500, or whisky stock of any description, or denomination to the extent of \$1,500 to pay for obtaining a license? A. I did not, sir.

Q. To any person? A. To any person for that license.

Q. On that place 304 Bowery? A. I offered to put up \$1,500 for the business, 304 Bowery.

Q. Not for a license? A. Not for a license; I offered that for the business.

Mr. Goff.—That is all, sir.

Gustave H. Martin, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. Produce merchant.

Q. And where is your business? A. Three hundred and five Washington.

Q. Three hundred and five Washington street; have you had to pay anything for permission to use the sidewalks; come at it shortly and directly; save as much time as possible? A. Well, I have paid money.

Q. To whom did you pay, Mr. Martin? A. To some officer.

Q. How much? A. Twenty-five dollars.

Q. Did you know the officer's name? A. No, sir.

Q. Was it the officer of that precinct? A. I couldn't say that.

Q. How did you come to pay him; just briefly tell us? A. He told me other people done the same thing.

Q. Other merchants in the neighborhood did the same? A. Yes.

Q. And did he collect that each year? A. Yes.

Q. Was you interfered with with regard to being summoned to court while you paid that money, Mr. Martin? A. No, sir.

By Chairman Lexow:

Q. Were you told by the officer who was going to get that money? A. No, sir.

Q. Did he give you any intimation at all as to what was going to be done with it? A. Not that I know; only he made a remark that it would be all right, if I paid that money every week, no trouble.

Q. Didn't you ask him who was going to get the money? A. No, sir.

Q. Did you pay it to him in a certain way; did you hand him the money? A. I handed him the money in an envelope; yes, sir.

Q. Did he tell you to put it in an envelope? A. Yes, sir.

Q. And seal it? A. No, sir.

Q. Was anything marked on the back of the envelope? A. No, sir.

Q. Did he give any reason to you why you should put it in an envelope? A. No, sir.

Q. Where did he collect it? A. Right in my business place.

Q. Called for it? A. Yes, sir.

By Senator Bradley:

Q. How did you come to pay him the \$25 first off; did he come and demand the money of you; or did you go and see him? A. No, sir; he came around and told me just what other business people was doing, and I done the same thing.

Q. He came and told you it was customary, everybody had to do it, and he wanted you to do it too? A. Yes, sir.

By Chairman Lexow:

Q. How many times did you make these payments? A. That I really could not tell you.

Q. Every year one? A. Yes.

Q. At about the same time each year? A. Well, about the same time; I could not say exactly just one day; I could not say whether it was on the same date; I could not say.

Q. Did he give you any explanation why you should put it in the envelope? A. No, sir.

Q. Say anything about the station-house? A. No, sir; said something about the old man.

Q. What is that about the old man? A. That is all he said — the old man; he said it is for the old man.

Q. He said it was for the old man? A. Yes, sir.

Q. He did not tell you who the old man was? A. I never asked the question.

By Senator Bradley:

Q. Was it always the same man that came and collected it? A. No, sir; they were changed.

Q. The officers changed? A. Yes, sir.

Q. When the new man came around what did he say to you? A. The same thing.

Q. Did he have a book with him that he had your lease recorded in? A. No, sir.

Q. He did not? A. No, sir.

By Mr. Goff:

Q. You occupy a basement there? A. Yes, sir.

Q. You do not occupy the whole store? A. No, sir.

Q. What business is the man in who occupied the store? A. It is a liquor store.

Q. Liquor store? A. Yes, sir.

Q. So you had to pay them for even a basement? A. I pay rent for a basement.

Q. I mean for the sidewalk outside your basement? A. Yes, sir.

Q. You did not occupy the whole building? A. No, sir.

By Chairman Lexow:

Q. When he spoke of the old man didn't you ask him who the old man was? A. No; I did not ask him the question.

By Senator Bradley:

Q. You knew who it was? A. By guess I knew.

By Chairman Lexow:

Q. You guessed? A. Yes.

Q. But you did not ask him the question? A. No, sir.

By Senator O'Connor:

Q. When you paid this money you knew that policemen hadn't any business to exact money, didn't you? A. Sir?

Q. When you paid this money you knew that the officer had no right to make any such demand on you? A. He told me that he —

Q. You knew he hadn't any right to make that demand of you, didn't you? A. No; I did not.

Q. What is that?

Chairman Lexow.—He said he did not.

Q. You know the officer don't own the sidewalk? A. No.

Q. You knew he did not rent the sidewalk to you? A. No, sir.

Q. What did you pay him the \$25 for? A. He told me it was the customary charges.

Q. Did you understand what would be the consequences if you did not pay it; what did you understand would be the consequences to you if you did not pay this money? A. I would be fined, I suppose.

Q. You would be arrested, and taken before the court and fined? A. Yes, sir.

Q. And practically prohibited from using the sidewalk? A. Yes, sir.

Q. And you paid this money to obtain immunity from the charges of that kind? A. Yes, sir.

By Chairman Lexow:

Q. And the officer told you everybody else was paying the same? A. That is what he told me.

Q. I mean the officer told you that? A. Yes, sir.

Cross-examination by Mr. Ransom:

Q. How many hours of the day did you obstruct the sidewalk with your goods? A. I could not tell you, sir.

Q. What time in the day did you pile your goods up on the sidewalk? A. Well, that is different.

Q. One day one witness here said in his business he commenced using the sidewalk about 12 o'clock in the day, and used it from that time until the next day at 11 or 12 o'clock; is that so of your business? A. We work all kinds of hours; that is right; and we receive all kinds of hours' stuff.

Q. You had the sidewalk obstructed most of the time, didn't you? A. No, sir.

Q. Well, I want to see how much of the time you can tell me; did you occupy the sidewalk? A. Yes.

Q. How much of the time during any day did you occupy the sidewalks? A. I could not tell you.

By Chairman Lexow:

Q. Average it up; did you occupy half a day or quarter of the day? A. Yes; about half the day.

By Mr. Ransom:

Q. Senator O'Connor asked you if you did not know that the policeman had no right to exact the payment of money from you, and you said you did; am I right in my understanding of your answer to him?

By Chairman Lexow:

Q. Did you understand that the policeman had no right to demand this money from you? A. No, sir; I did not know it.

Chairman Lexow.—He says, no, he did not understand it.

By Mr. Nicoll:

Q. Do you speak English? A. Well, a little.

By Mr. Ransom:

Q. You remember what Senator O'Connor asked you about your payment of \$25 to the officer? A. Yes; he asked if I paid \$25.

Q. He asked you if you knew he had no right to collect \$25; do you remember that question? A. Yes, sir.

Q. Do you remember you said you did know he had no right to collect it? A. That is a misunderstanding then.

Q. Now, then, answer me; did you, or did you not, know that the officer had no right to collect the \$25? A. Well, that is a question I really could not answer you.

Q. At the time you paid him the \$25, did you think that you were doing something that the law compelled you to do? A. Well, I thought I was doing something that would prevent me being arrested and fined.

Q. If you did not do it, you might be arrested and fined? A. Yes.

Q. If you were arrested and fined, it would be for a violation of the law, wouldn't it? A. Yes, sir.

Q. Then this officer exacted from you a bribe of \$25; that is as you understood it, wasn't it? A. Yes, sir.

Q. And you paid him the bribe? A. I paid him \$25.

Q. That was a bribe, wasn't it, so that you would not have any trouble about the sidewalk? A. Yes, sir.

Q. You say yes to that; then you knew, M^r. Martin, that you had no right to use the sidewalk for the storage of your goods, didn't you? A. Yes, sir.

Q. You knew that the people who walked up and down the street had a right to walk on the sidewalk? A. Yes, sir.

Mr. Ransom.— That is all.

Chairman Lexow.— That is all.

By Senator O'Connor:

Q. Witness, in that respect, the police committed a double wrong, one against the public, and one against the individual.

Mr. Ransom.— That is your deduction; that may be a fair argument; but you don't want the witness to testify to that, do you?

George Allison, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Where do you do business? A. Corner of Reade and Washington streets.

Q. What is your business? A. Produce commission.

Q. You occupy the sidewalk, of course necessarily? A. Off and on we have to.

Q. Have you had any trouble with the police in relation to occupying the sidewalk? A. We have not had any trouble,

except the same as the rest of them; we done the same as the rest of them.

Q. What is that? A. It cost me \$50 a year.

Q. Fifty dollars a year? A. Yes, sir.

Q. The tariff on you was \$50? A. This is a corner, you understand.

Q. And that is the reason why you were assessed more? A. More than the inside store; yes, sir.

Q. To what officer did you pay it? A. Different ones; they did not have the same officer; I don't know the wardman; they had different men for off and on.

Q. Anyway, you paid money every year? A. Yes, sir.

Q. Paid in an envelope? A. Yes, sir.

Q. Did any of the officers say where the money was going? A. I did not know where it went; no, sir.

Q. Did they go into your store to collect the money? A. I generally met them outside on the sidewalk.

Q. The money was in an envelope? A. Yes, sir.

Q. Did they request it to be put in an envelope? A. Yes, sir.

Q. And you were not interfered with? A. No, sir.

Q. While you paid this \$50 a year? A. No, sir.

Q. How long have you been paying it? A. Well, only \$50 a year the last two years; before that we did not pay as much.

Q. How much did you pay before that? A. I think it was about \$16.

Q. What captain came into the precinct during the last two years? A. The one who is in, the present captain?

Q. Yes? A. I think it was Captain Stevenson; I would not be certain.

By Senator Bradley:

Q. Who is there now? A. I don't know; I don't know the present captain; I don't know his name.

Q. You know where the station-house is? A. Yes; in Lenox street station-house; I don't know the captain's name; I couldn't tell you.

By Mr. Goff:

Q. Was the rate raised from \$15 to \$50 a year when Captain Stevenson went into the precinct? A. Well, I think it was—I would not be certain; I could not tell you certain about that; for the last two years I know that is what I have had to pay, the last two years.

Q. I understand you to say you were not interfered with when you paid that money? A. No, sir.

Q. You were not subjected to any interference from being called to court, or fined, or anything of that kind? A. I was not fined.

Q. Of course, as the Senator has asked the preceding witness, you understood that you were to pay this money to be let alone? A. I supposed that was what it was for.

Q. That was the understanding? A. Yes, sir.

Q. Were you told by an officer all the merchants around had to pay the same thing? A. Well, according to the amount of business they did.

By Chairman Lexow:

Q. You had to pay more for the corner? A. I was on the corner, and the tariff was higher.

Q. When the amount was raised from \$15 to \$50, what was the reason given for the raising? A. I did not ask him for the reason; there was no reason whatever; he said that was his instructions.

By Senator Bradley:

Q. That was his instructions? A. Yes.

By Chairman Lexow:

Q. He said those were his instructions; did he say who instructed to that effect? A. No, sir.

Q. In none of these conversations you had with him did he ever tell you who had instructed him to get this money from you? A. No, sir; he never told me.

Q. Did he give any reason for putting it in an envelope? A. No, sir; he said that is the way we wanted it, and I never asked him.

Q. Did he say he had received instructions whatever to put in an envelope? A. I think he did; he said put a card and the money in an envelope.

Q. Just state as near as you can the conversation you had with him in reference to an envelope and card? A. He merely said take this money and put it in an envelope with a card; that is all he said.

Q. Nothing about instructions? A. Nothing about instructions; he said that is the way he wanted it; I never asked him who got it.

Q. How many changes of wardmen were made while you were paying this money? A. Three or four.

Q. And each wardman as he came along did he seem to understand the amount you were to pay? A. They did not seem to know until the last one, I think it was the last wardman; the others, why, we would get it as easy as we could; that is all; I think the first I paid, he wanted \$25, and I gave him \$15 or \$10; I would not be certain of the amount; I could not tell you for certain.

Q. You offered him \$10 and he wanted \$25? A. Yes.

Q. And you settled on \$15? A. And we settled on \$15.

Q. And you paid \$15 until they demanded \$50? A. Until they demanded \$50.

Q. Think back and see if you can not remember whether you had no conversation at the time in which you expressed your surprise in this sudden increase in the amount, and if so, state what the conversation was? A. I could not tell you just —

Q. You remember you paid three times as much without expressing any surprise or saying anything on the subject? A. He said we have a good deal of walk room; it was a big corner, and I told him; said I, "These goods of ours don't lay on the walk over 10 or 15 minutes, and we go there at 11 or 12 o'clock at night and sometimes about 3 o'clock we have the goods sold out; often about 3 o'clock we have not a package there.

Q. Did he say anything about instructions then? A. I could not tell you just what he did say; he merely said he wanted more money; he said it would be better to have the thing settled; I told him I did not want to be bothered going up and paying fines; we got up early and put in long hours.

Q. Did he say he had to render any account to anybody? A. No, sir; I never questioned him at all.

Cross-examination by Mr. Nicoll:

Q. You did not pay any money to Captain Stephenson or any other captain? A. No, sir; I don't know who got it.

Q. And you don't know that? A. I don't know who got it; I could not tell you who got it.

Q. You are a resident of this city? A. No, sir; I am a resident of Brooklyn.

Q. You live over in Brooklyn? A. Yes, sir.

Q. What part of the sidewalk do you use? A. Well, we take these goods off on the end of the sidewalk, always leave a big passageway, and just set them off there, and a buyer would look at them, and load them on the trucks; our business is wholesale.

Q. Did you do your business on the sidewalk? A. Merely to unload them.

Q. You said buyers would look at them? A. As they came up they glanced at them and said put 20 crates here, and 20 there, and my truck will be here to take them.

Q. And after the sale concluded you left the articles on the sidewalk? A. No, sir; they loaded them on to their trucks and took them away.

Q. How long did you keep them there? A. Sometimes not five minutes.

Q. How long is sometimes? A. Maybe sometimes they stood there longer; it is according to the time the man's truck is getting there; sometimes the streets are blocked and he can not get there in a moment.

Q. How long in the day do you keep the street obstructed by goods? A. Not long.

Q. Your goods are always there? A. No, sir; they are not.

Q. Are the sidewalks ever free from your goods? A. Yes.

Q. What hour of the night? A. All times through the middle of the day; it is only 12, 1, 2 or 3 o'clock we have these goods here.

Q. Twelve and 1 o'clock at night? A. Yes, sir.

Q. And it is free all during the day? A. On times; I would not say always.

Q. Were you obstructing the sidewalk? A. I don't obstruct it; what goods we have are put as near the gutters as we can get them.

Q. You have never obstructed the sidewalks? A. I don't say that; we have, I suppose.

Q. Don't you know you have? A. I don't know it; there is always plenty of room for anybody to travel through it; I have it so when we have had goods there.

Q. Did you not obstruct the sidewalk? A. I should think obstructing the sidewalk would be blocking it up so nobody could pass.

Q. Don't you know what obstructing the sidewalk is? A. No, not as you put it.

Q. What makes you laugh? A. I can't help but laugh.

Q. If your story is true, you know you are guilty of the crime of bribery, don't you? A. I don't know what you call it.

Q. If your story is true, you have committed the offense of bribery; haven't you? A. It is merely.

Q. Is that so? A. I don't call it bribery.

Q. If your story is true? A. It is the way of the world, such things as that.

Q. If your story is true, you violated the law of the State? A. I don't think I did; I don't know what the sidewalk law is exactly; I never read it.

Q. You think it is a question of the sidewalk law? A. Yes; I think there is a sidewalk law.

Q. If your story is true, you paid money to the officer and you violated the sidewalk law? A. Often you pay money for doing something that is wrong plenty of times.

Q. Didn't you know that if you paid a public officer to get something you had no right to, you are guilty of bribery? A. No; I don't know that.

By Mr. Lexow:

Q. And you do know if you were guilty of bribery the public officer was guilty of the crime of making you bribe him? A. Certainly he was; I do not call it bribery; I don't know what you call it.

Mr. Goff.—I ask you now, Mr. Chairman, to inform this witness, and all other witnesses similarly situated not only of the protection afforded to him by this committee, but also of a law of this State on the very question of bribery.

Chairman Lexow.—No evidence given by you before this committee can be used in any proceeding against you, and it is an absolute bar to any indictment for prosecution for this cause; so there may be no fear on account of any explanation you can give.

By Senator Lexow:

Q. You do not consider it a bribery; you simply consider it as far as any intent on your part is concerned, that under compulsion these public servants have skinned it out of you? A. Yes.

Senator O'Connor.—I believe every one of these men that bribe an officer, they can come and secure immunity from coming here and testifying.

Mr. Goff.—This is a wise protection.

Chairman Lexow.—It is a premium given by the State for the purpose of getting testimony of this kind of bribery.

Mr. Nicoll.—According to that Jake Sharp might have got off scot free if he had only gone before an investigating committee.

Mr. Goff.—There is no use of bringing up this skeleton of Jake Sharp at all.

Mr. Nicoll.—If your law is correct.

Chairman Lexow.—I believe section 79 of the Penal Code was amended since the Jacob Sharp trial. The addition that appears in the final section was made.

Mr. Nicoll.—According to your law any public officer can be excused by coming before a Senate committee.

Chairman Lexow.—There is absolutely no question about that.

Mr. Nicoll.—Not only that but in any other bribery case.

Mr. Goff.—Mr. Nicoll knows that as well as any other man, in the room and he is uttering now such a legal whopper that he has to laugh at his own effrontery in doing it; and further, Mr. Chairman, Mr. Nicoll simply makes use of this as a sort of bringing in of a light class comedy to try and frighten other merchants from coming on the stand by holding up the case of Jacob Sharp here; we have here a way of protecting the merchants against the bribery and by doing so break up the infamous system, and we want the merchants of New York to come here to do it.

Chairman Lexow.—Not only that. The law says they shall be protected here if they testify here. If they do not testify they are not protected.

Mr. Goff.—Mr. Nicoll is through his little comedy.

J. Wallace Cook, called as a witness on behalf of the State, being duly affirmed, testified as follows:

Direct examination by Mr. Moss:

Q. Your name is J. Wallace Cook? A. Yes, sir.

Q. And you sell illuminating oils at 126 Maiden lane? A. No, sir.

Q. What do you do? A. I sell lamp goods.

Q. One hundred and twenty-six Maiden lane? A. Yes, sir.

Q. Have you paid any money to the police or to any policeman for the privilege of having your goods on the sidewalk? A. I paid some money to a man, whether he was a policeman or not I could not say.

Q. Who was the man? A. He brought a card with his name on it.

Q. What was the name? A. I could not remember now.

Q. Was not the name Frank Wilson on the card? A. I would not like to say it was or was not.

By Chairman Lexow:

Q. What is your best recollection? A. Well, I would not like to say the name, because I do not know the name.

By Mr. Moss:

Q. What did he say to you? A. He said you have a great many barrels on the walk; I said, "Yes; we did; and can't help it;" and then he spoke about—or he merely handed me his card, and I understood what that meant, because I had been in the business some 22 years and odd; when I was bookkeeper for a large concern I understood what that meant, and used to keep a little card in the memoranda book of the cash book so that when a certain person used to come I used to know what to do; so, of course, I understood perfectly what that meant, and I came down accordingly.

Q. What did you come down; how much? A. Five dollars.

Q. When was that paid? A. I should judge it was about, perhaps, two years ago.

Q. Have you paid since? A. Never paid anything more.

Q. To anyone? A. To no one.

Q. Has any one approached you in reference to sidewalk violation, except that man? A. The policemen sometimes in going by would say to my men that they must take the barrels off the walk, and I instructed the men to say, if any one came, if the policemen said anything about it, to say it was fixed all right.

Q. Did they say so to the policeman? A. They did say so to the policemen.

Q. Were your barrels then allowed to remain on the sidewalk? A. Yes.

Q. And when you stated to the policeman on the beat that the thing was fixed they left the barrels? A. They did not say anything more about it.

Q. You had no further trouble? A. We had no trouble.

Q. What concern was it of which you were bookkeeper? A. F. H. Lovell & Company.

Q. Whereabouts were they situated? A. In Pearl street.

Q. How much did they pay for police protection? A. Oh, various sums, from time to time.

Q. I understand that you paid the money? A. That is, the member that runs it used to come to me and say he wanted so much money, sometimes one sum and sometimes another.

Q. What sums would they be? A. Generally about \$10.

Mr. Nicoll.—Did this man pay it?

Q. I am finding out; these sums were handed out by you for that purpose; was that the idea? A. That is what I understood it.

Mr. Nicoll.—I object.

Chairman Lexow.—What is the objection?

Mr. Nicoll.—The objection is this man is testifying to hearsay; and he himself does not claim to have paid anything as a book-keeper of Lovell as I understand it.

Mr. Moss.—We are finding out what he claims. He has testified to the conversation he had between a member of the house and himself.

Chairman Lexow.—Let us see what it amounts to.

Q. I understand you to say you had a card in the drawer? A. Yes.

Q. What was that card? A. It was a little printed card; I don't remember the name, because it is years ago; it was either a detective down on the corner or a policeman; a little bit of a card.

Q. It was the name of the policeman? A. I presume it was; yes.

Q. Did you pay out moneys in connection with that money to the police or for the police? A. I always believed it was for that purpose.

Q. You handed out the money? A. Yes, sir.

Q. Who did you give the money to?

Mr. Nicoll.—Won't you permit me to move to strike out his answer.

The Witness.—I know it was.

By Mr. Nicoll;

Q. Did you pay it? A. It is not faith; it is knowledge.

By Mr. Moss:

Q. Now, who did you pay it to? A. To the head of the house.

Q. Did you see what the head of the house did with it? A. Certainly.

Q. What did he do? A. He gave it to the policeman.

Q. Exactly; I knew we would get there; how long did they continue; over what period of time? A. I couldn't tell you how many years.

Q. Several years?

By Senator Bradley:

Q. Five or ten years? A. I could not tell you how many years.

Q. You say you were 22 years? A. No; I was with them 17 years.

Q. Did that custom extend over 17 years? A. And I have been in the business 5 years, and that makes 22.

Q. Did that custom extend over the 17 years you were with Lovell? A. Not fully.

Q. A large part of it? A. It extended over quite a number of years.

Q. Can you recall how frequently those payments of \$10 or small sums of money were paid? A. They were not regular; they were irregular payments.

Q. Do you know how much a year they amounted to? A. Perhaps \$10, \$30 or \$40; something like that.

Mr. Moss.—That is all.

Chairman Lexow.—Any questions? That is all.

Thomas P. Wallace, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is the full name? A. Thomas P. Wallace.

Q. And you do business at 187 Reade street? A. Yes, sir.

Q. What is your business? A. Produce commission business.

Q. Just a little louder? A. Produce business.

Q. In business for yourself? A. Yes, sir.

Q. I presume you found it necessary, in the course of your business, to occupy the sidewalk more or less? A. Yes, sir.

Q. Have you paid the policeman for doing that? A. Yes.

Q. How much? A. The last, I think about 3 years, \$25 a year.

Q. Twenty-five dollars a year; to whom did you pay the money? A. I think it was the ward officer.

Q. Do you know his name? A. Only I have heard it—Kelly, I believe.

Q. How was it put up, in an envelope? A. Yes, sir.

Q. Did he request you to put it in an envelope? A. I hardly think he requested me; I think I was in a neighbors one day when he was there, and this neighbor told me that was the custom to pay it that way.

Q. While he was there? A. Yes, sir.

Q. And you always put it in an envelope? A. Yes, sir.

Q. Did he ever say to you where that money went? A. No.

Q. And you simply paid this to avoid being bothered or brought to court for obstructing the sidewalk? A. I had been brought to court several times, and I understand that was the custom.

Q. At first you refused to pay this blackmail, did you not?

Mr. Nicoll.—I object to the word blackmail.

Chairman Lexow.—These contributions.

Mr. Goff.—I can not use a better word to express the meaning. The word is a good Anglo-Saxon word.

Senator Bradley.—What objection would you make?

Mr. Ransom.—I would ask him to state a fact and allow the committee to state whether it is blackmail or not. It is not right for counsel to put that in an offensive way to the witness.

Mr. Goff.—Whatever is in the statute is not offensive, and that word blackmail is in the statute of the State.

Chairman Lexow.—It is a conclusion. I think from the description of what he did do it is sufficiently conclusive.

Mr. Goff.—I know I am right, but will waive the point to save time.

Q. You refused to pay this money, except it was asked for by the policemen; didn't you? A. Well, I can not say that it was asked of me in the first place; but I know that I was summoned to appear up here before the court several times.

Q. And were you fined? A. Yes, sir—well, that was another thing; the cases were dismissal whilst I was in court.

Q. Yes? A. But some considerable time after that two gentlemen representing themselves to be deputy sheriffs came down to the place and said they had a judgment; I don't exactly know the amount now, and they would levy on my goods unless I paid it.

Q. These judgments? A. These judgments they said they obtained against me.

Q. Did they occur more than once? A. This was for two or three different accumulative judgments they had.

Q. All for those sidewalk obstructions? A. Yes, sir.

Q. You were not paying at that time, weren't you? A. I was not paying anything.

Q. Isn't it a fact that owing to these judgments and other troubles you were subjected to you had to come in and pay this money the same as other merchants? A. I did come in and pay it.

Q. You hadn't any trouble after that? A. I have not had any trouble since.

By Mr. Ransom:

Q. I only want to ask a question or two; you mentioned the name of the officer as Kelly? A. Yes, sir.

Q. Can you remember when it was you paid him the \$25? A. When I first paid him; the first \$25.

Q. Yes? A. No; I paid very little attention to it.

Q. I don't expect you to give the date? A. I think it was along in the fall of the year generally he came to me.

Q. Generally in the fall? A. Yes, sir.

Q. Do you remember what year it was you commenced? A. I am under the impression I paid \$25 three times, but I would not swear to it; it may have been but twice.

Q. How long ago? A. Last fall was the last I paid.

Q. The year 1893? A. Eighteen hundred and ninety-three.

Q. The fall before you paid \$25? A. The fall before I paid.

Q. You paid to Kelly? A. Yes, sir.

Q. Was anybody else present when you paid him? A. I think not; I don't know of anybody.

Q. Where was the money paid; at your store? A. At my store; yes, sir.

By Chairman Lexow:

Q. Did the person who asked you for the money say he was acting under instruction? A. No; I don't think I ever passed 10 words with the officer in my life.

Q. Did he say the money was for him or somebody else? A. He did not say to me it was for him.

Q. Or for anybody else? A. No, sir.

Q. Did he come in and demand the money of you; or did you make the suggestion to him? A. No, sir; to the best of my recollection, it is that these officers came down with the judgment, and told me, if I expected not to be bothered I had better do as my neighbors had done.

Q. That is, pay the wardman? A. That is I had been standing out for some time, and had better fall in line with the rest.

By Chairman Lexow.

Q. That you had better fall in line with the rest? A. Yes, sir. Mr. Goff.—That is all.

William C. Rehm, called as witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Your initials, Mr. Rehm? A. William C.

Q. And your profession or occupation? A. Pianist.

Q. You are a pianist? A. Yes, sir.

Q. Did you attend the sangerfest last night? A. Yes, sir.

Q. At Madison Square Garden? A. Yes, sir.

Q. Fine music? A. Very fine.

Q. And you were in company with a friend? A. With a friend from Milwaukee.

Q. Did you apply for a seat? A. Applied—I got as far as the entrance and asked a policeman which way to the balcony, or to the gallery there.

Q. Is Officer Schmitt the policeman? A. Yes.

Q. Stand up (The policeman stands up); is that the policeman? A. Certainly.

Q. Go on and tell what occurred? A. And he told me that, of course, if I went up there, I would not find any seats and would have to stand up, and for which I would have to pay 50 cents, and at the same time, he suggested, if I gave him \$2 for myself and friend he had two seats for me at the arena; well, I immediately went up with him and gave him the two dollars in the presence of my friend, and I got up to the door and the gateman there said he could not give us seats, but we would have to wait; the policeman then told us to stand off in one corner and wait for half an hour until the concert commenced; we were standing there at least an hour, and the concert commenced rather late, about quarter of 9, and I was looking for the policeman all the time, and could not see him, and at last I went to the doorkeeper, and asked him why we could not get our seats; he said, "Have you got checks?" I said, "No; I have not;" "Well, then, you can not get any seats;" I said, "I paid the policeman \$2 for seats, and he promised me seats up here;" "Well, then," he said, "You have got to see the policeman;" I said, "I can not run after the policeman; you are in with the policeman, and you know all about the affair, and you will see I get my seats, or I will raise a row;" and after that I waited, and gave him half an hour longer; it must have been almost quarter of 10, I think, around there, and I got tired of waiting longer, and then went down and hunted for the policeman, and found him in the hallway; he told me that—I asked him how about the seats; he says, "I am very sorry, everything is crowded; you can not get your seats;" I said "This is a fine way to do business; I thought you were going to give us seats, and we would have no trouble whatever;" well, I then remarked to him that I would place the thing before the Lexow committee to-morrow, and have an investigation made.

Q. It would be a great thing if the Lexow committee would remain in perpetual session? A. Yes, sir; five or six years longer, and he wanted to return a dollar to me.

Q. He did not offer the \$2 you gave him? A. No; he did not; my friend was in the room, still standing, and an old man too at that, standing up; it was rather hard on the poor fellow, and I did not accept it; I walked right off and was enraged with the matter.

Q. Of course, you were justly offended; now, when the officer told you he could give you three seats for \$2, you were under the impression he had the authority and power to do that? A. That is what I thought; he had an authority to give the seats; I never paid for any concert previous in my life, as long as I lived, and this was the first time, and I thought I was treated very shamefully.

Q. Did you see this officer Schmidt this morning? A. Yes, sir.

Q. He begged you not to come forward? A. He remarked that he being a married man, and all this —

Q. Didn't he say something about charges being already pending against him at police headquarters? A. I believed he remarked something to that effect; I believe the Lexow committee had him up last week.

Q. And you came to me and begged to let him off, because he was a married man? A. Yes, sir.

Q. And I would not let you off? A. That is the whole story.

Q. And I subpoenaed you? A. Yes.

Cross-examination by Mr. Nicoll:

Q. I understood you to say in the course of your examination that you had never paid for a concert performance in your life? A. No, sir.

Q. Is that so? A. That is perfectly so.

Q. Are you a singer? A. I am a pianist.

Q. And are you admitted to all concert performances free of charge? A. Yes, sir; professional courtesy.

Q. Professional courtesy? A. Yes, sir.

Q. Did you make an effort to go to the saengerfest free of charge? A. I went to Steinway's and Trepas had no more seats; they were all given away; all tickets were out; and he said you have to get them up at the office.

Q. Who did you apply to? A. I applied over to Steinway's; I went to see Trepas, and he had given all the tickets out, and also to Steinway.

Q. For the first time in your life you were confronted with the position that you had to pay? A. Yes, sir; the first time.

Mr. Goff.—This is a policeman.

Mr. Nicoll.—He struck the saengerfest, that is it.

Q. You offered to pay 50 cents? A. No; I heard that the seats —

Q. Just answer my questions and don't ramble along? A. That is all right, you are here to protect crime, and all this.

Q. I am here to find out your story, and find out how much is

true, and how much is exaggerated; did you pay 50 cents? A. What?

Q. Did you pay 50 cents? A. I did not.

Q. Did you pay anything? A. Yes; paid \$2.

Q. Before you paid the \$2 had you paid anything? A. Never.

Q. Did you get in without paying? A. I did not get in.

Q. Did you get into the building without paying? A. No; that is different.

Q. You did not get into the place without paying? A. I got into the building without paying.

Q. That is what I am asking; you paid whom? A. I paid Policeman Schmidt.

Q. Two dollars? A. Two dollars.

Q. Did you go to the box office? A. I tried the box office first.

Q. What did they say there? A. They said if you want to go in the gallery, you will have to pay 50 cents, but you will have to stand up.

Q. We will take up the box office first; the man at the box office said it would cost you 50 cents, but you will have to stand up? A. That is up in the gallery.

Q. Fifty cents a piece, would be a dollar for two; there were two of you? A. There were two of us; yes, sir.

Q. That proposition was you should pay a dollar for the purpose of standing up in the gallery? A. For the two of us, yes, at the box office, that is right.

Q. Now, the police officer said he thought he could help you along by getting a seat down stairs? A. Yes; back of the singers.

Q. For \$2? A. Yes, sir.

Q. That would be a dollar more than you would have to pay at the box office? A. Yes, sir.

Q. You thought that was a handsome offer on his part, didn't you? A. Certainly.

Q. And you gave him \$2? A. Certainly.

Q. Don't you know he did the best he could to get you the seats?

Mr. Goff.—How does he know that?

The Witness.—I do not know; that I could not swear to; I could not tell you that.

Q. Don't you believe he did the best to get you good seats?

Mr. Goff objects to what he believes. Excluded.

Q. Isn't it your opinion that he did the best he could.

Objected to, as he is not an expert; objection sustained.

Chairman Lexow.—How do you know he was.

Mr. Nicoll.—Thank you. I am crossexamining. You can exclude what you please. I will go on. I don't want any suggestions.

Q. Did you have any opinion as to the conduct of the officer or the acts of the officer afterward.

Mr. Goff.—Objected to as frivolous.

Chairman Lexow.—Excluded.

Mr. Goff.—And wholly immaterial.

The Witness.—I suppose it is not necessary to say anything in the matter.

Q. Where did you stand; are you going to leave the stand?
A. It is useless for you to ask any more questions in the matter.

Q. Aint you going to answer them? A. Why, certainly.

Mr. Goff.—If you can answer Mr. Nicoll's questions, answer them.

Q. Where did you stand when the officer went to look for your seats? A. We were standing up in the arena, back of the boxes.

Q. Had you then gotten in? A. We had gotten through the gates.

Q. You had got an entrance to the entertainment? A. Yes.

Q. And paid \$2? A. Yes; paid \$2.

Q. What was the price of admission? A. One dollar a piece for seats.

Q. What was it without seats—50 cents a piece? A. Up in the gallery 50 cents, standing up.

Q. What was the general admission? A. That I don't know.

Q. Wasn't the general admission a dollar? A. It was not; I am sure of that.

Q. It was 50 cents? A. Because I know the arena seats were a dollar, and I am sure the arena seats were better.

Q. You had got into the saengerfest and paid two dollars? A. Yes.

Q. And you had to stand up back of the boxes? A. Yes, sir.

Q. And the officer offered to give you back a dollar? A. Yes, sir.

Q. He offered to give you back a dollar? A. Yes; afterward.

Q. And then there would be a dollar left; that would have been the price of that admission? A. How.

Q. Answer my question; it would cost you a dollar to get inside of the fest anyway? A. That is two would cost.

Q. You gave the officer \$2? A. I gave the officer \$2.

Q. One dollar it cost you to get in, at the box office, for admission? A. Yes, sir; in the gallery.

Q. And the officer offered to give you a dollar back? A. Yes, sir; that is what he offered.

By Mr. Goff:

Q. You never saw a ticket? A. Never saw a ticket.

Q. When the officer went to the ticket taker at the gateway, what did the officer say? A. He says fix these people with seats.

Q. He did not show any tickets for you? A. No; no tickets then.

Q. He did not give the ticket taker any tickets for you? A. No, sir.

Q. When you gave the officer the \$2 he put it in his pocket? A. I can not tell whether he put it in his pocket, but he kept it; I know I gave him the money.

Q. You gave him the money, and you got no ticket? A. No, sir.

Q. He was already in the garden, inside? A. Yes.

Q. When you met this officer? A. Yes, sir.

Q. And he told you he could get a couple of seats for \$2; is that it? A. Certainly.

Q. And he went to the ticket taker at the gate and wanted these gentlemen provided with two seats? A. With two seats, as soon as the concert commenced.

Q. And then the ticket taker when you asked them afterwards, one asked you for your tickets? A. When I asked for a seat they asked for tickets.

Q. You never got any tickets from the policeman? A. Never got any tickets.

By Senator Cantor:

Q. Did you sit there throughout the entertainment? A. No, sir; I left before half the programme, and the evening was spoiled.

Q. You claim the policeman was running one end of the garden for his own advantage?

Mr. Goff.—Why, of course; and he was running a box-office for himself.

Mr. Nicoll.—He tried to accommodate this man, who was the custom to come there.

Mr. Goff.—It is only evidence of the many petty exactions and annoyances, to which the citizens of New York are subjected, picking up any considerable trifles from the bootblack to the merchant. I will call a bootblack now, come here.

Francisco Scholastico, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Do you understand me? A. Yes, sir.

Q. Are you a bootblack? A. Yes, sir.

Q. Where is your bootblackening stand? A. One hundred and seventeen Fulton street.

Q. Have you got your bootblack stand on the sidewalk? A. No, sir.

Q. Where is it? A. On the stoop line.

Q. Within the stoop line? A. Yes, sir.

Q. You have never had it on the sidewalk, have you? A. No; I have never had it there before at all.

Q. Have the police ever demanded any money from you? A. Only last year.

Q. Who demanded it from you? A. A detective.

Q. Who asked it, the wardman? A. Yes, sir; that is right, the wardman.

Q. How much did he ask from you? A. He didn't ask anything; he said you have got to take the chair away from here, and day before yesterday they took the soda water stand and bootblack stand and said to-morrow morning they would come around and bother you, too.

Q. The next morning they would come around to bother you? A. Yes, sir.

Q. Wasn't there something said about \$10? A. I said, can you fix that, and he said, of course we can fix it.

Q. You said you can fix it? A. Yes, sir.

Q. And he said, "Of course I can fix it?" A. I said, "How much will I give you; how much can I give you;" I said myself I give you \$5, and he said, "That won't be enough."

Q. You said, "I will give you \$5;" and he said, "That won't be enough?" A. I said, "How much," and he said, "\$10;" he said, "I have to give \$5 to the other party."

Q. He said he would have to give \$5? A. Yes, sir.

Q. Did he say to what other party? A. No; he did not tell me that.

Q. He did say, didn't he, "What do you take me for to take \$5?" A. After that he said, "I will fix that for myself;" I don't know whether he comes here or not.

Q. When you said you would give him \$5, didn't he ask you what you took him for? A. I asked him and he said I would be all right for \$10, and if I didn't pay him \$10 it would not be all right.

Q. And yet your bootblack stand was never outside the stoop line? A. No, sir.

Q. You have the permission of Mr. Laird? A. Mr. Haslin & Brothers and Co.

Q. You have their permission? A. Yes, sir.

Q. You have been there for some years? A. No; about four years steady; I was there before about five years ago.

Q. When you were there before you used to have to pay the policeman, didn't you? A. No; not before, and only last year they bothered me.

Q. Haven't you frequently given policemen 50 cents and a dollar? A. No; only last year they bothered me \$10.

Q. Before that didn't you have to give any money? A. No, sir; not a bit; they asked me to give him half a dollar or something like that, but I never gave them anything.

Q. But you never gave anything to them? A. No, sir.

Q. Did they ever ask you to black their shoes for nothing? A. Oh, plenty of times.

Q. And did you black their shoes for nothing? A. Sometimes, and some paid it; some paid and some didn't.

Q. Some of them would not pay? A. No; that is right.

Cross-examination by Mr. Ransom:

Q. When was it you gave the amount of \$10 away? A. Last year; last year the first time, about two or three days after the 1st of May.

Q. You mean a year ago last summer? A. Yes; last summer; not this 1st of May, last summer.

Q. Who was there when you paid the \$10? A. Nobody; they took me in a liquor store, in the water-closet, and would not let anybody see.

Q. There wasn't anybody there? A. No; and after that they treated me and spent a quarter and left the bar, and that left them \$9.75.

By Mr. Goff:

Q. Wasn't it Mr. Haslin — A. That customer is a customer of mine too (pointing to Mr. Moss).

Q. Who, Mr. Moss? A. Yes, sir; corner of Fulton street.

Q. He paid for his shoes? A. Yes, sir; that was a customer of mine; he knows me, too.

Q. Mr. Haslin told you not to pay any more money, didn't he? A. He told me I had not right to pay anything at all.

Q. He said you had no right to pay? A. No; he gave me permission to stand there and sweep the sidewalk and stay there.

Chairman Lexow.—Have you any witnesses you want to examine now especially?

Mr. Goff.—I have quite a number of gentlemen here I would like to examine, but I will have to run along without any lunch here. I will accommodate to the best of my ability.

Mr. Ransom.—Oh, take a recess.

Senator Bradley.—They will all want to get their lunch too, as well as us.

S. B. Downs, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Senator O'Connor.—How many more of these witnesses, are there?

Mr. Goff.—Quite a number of them, sir; and New York is full of them.

Senator O'Connor.—It is bad enough to sit here with this heat without having anything to eat.

Mr. Goff.—This gentleman is not feeling very well, and I want to get him away.

Q. Mr Downs, what is your business? A. Produce business.

Q. Where is your place of business? A. Three hundred and twenty-nine Washington street at present.

Q. How much frontage do you occupy? A. Twenty-five feet, I think the store is.

Q. Twenty-five feet front? A. Yes, sir.

Q. I suppose you find it necessary in the course of your business to occupy the sidewalk more or less? A. Yes, sir; it is unavoidable, absolutely.

Q. Have you had any trouble with the police on account of occupying the sidewalk? A. We have in years gone by; yes, sir.

Q. Have you had lately? A. No, sir.

Q. Why have you not had trouble lately? A. Well, I will state to you in order to prove that I have not paid anything since 1890, to my recollection; that is, I can not state positively in my mind that we have, but I do remember of paying \$15 in 1890.

Q. To whom did you pay the money? A. A representative of the police force; I presume he was.

Q. Was there anything said by the official who called upon you? A. Well, in order to understand that I will state that our trade—

Q. State your own way? A. The produce trade for 20 years has been subject to annoyance from this sidewalk business in one form or another; previous to this we were fined and were

compelled to go either to court or spend our time there, and settle it through some friend; then it took another form; I remember five years ago probably — six years ago — in my neighborhood there was an attorney who took these cases in hand; or rather, he took individual cases, if I might so speak, and agreed to protect them for a year for the nominal sum of \$15.

Q. Give us his name, please? A. I had nothing to do with them; from that form then, I think came up these police matters, and I will say that I have in mind one of my neighbors who stood upon principles in the matter and refused to pay any money, and his men were dragged over to the prison and the tombs and did him a great deal of trouble.

Q. He stood for principles and refused to pay, you state? A. Yes, sir.

Q. And his men were dragged to the tombs? A. Yes, sir.

Q. Who is that neighbor? A. He is dead.

Q. Can you state now, you being familiar with the produce trade in New York, can you state, as a general thing, they are subjected to these exactions? A. That is my understanding, sir.

Q. Can you state why it was that since 1890 you have not been subjected to that, so far as you can recollect? A. I was approached in 1892 on the matter, and I told the gentleman that I would consider the matter and see him later, and I finally saw him after that.

Q. Was he a man in the trade? A. No, sir.

Q. An official? A. I think it was this man Kelly, whose name has been mentioned here.

Q. This officer Kelly? A. I think he was the man; I am quite confident.

By Chairman Lexow:

Q. What did Kelly say to you? A. Well, my recollection of that matter is that my partner called me and said that Kelly was here; Kelly was known to be the man on the street.

By Mr. Ransom:

Q. Louder, I do not hear you? A. My partner, if I remember rightly, called my attention to the fact that Kelly had called at the store respecting the sidewalk matter, and I came down stairs and found him in the office; we had a short conversation, but I can not recollect the nature of it further than to indicate to him that I was not prepared to pay anything, and that he would have to call later, and he never called.

Q. Did he say anything about getting any instructions? A. He left the impression upon my mind that it was a compulsory matter with him and that he was not there willingly.

Q. Did he say anything about his having personally no interest in the amount, or the amount not going to him, but going to somebody else? A. Well, he left the impression upon me that it was for somebody else; that he was there at the instigation of somebody else.

Q. Do you remember the language he used? A. No, sir; I do not recall it.

Q. Did he give you any indication as to whom that somebody was? A. He left the impression upon me it was the captain, but there was no names mentioned.

Q. What did he say that left the impression upon your mind? A. Well, sir; I have no distinct recollection of the matter at all.

Q. Do you remember any part of the conversation now that left upon your mind the impression that he mentioned the captain so we can draw our inferences whether your impression was well founded? A. In justice to the man, I can not say, sir; I know the conversation was a brief one, and that I was disinclined to pay anything and so told him, and told him he would have to call again; that was in 1892.

Q. He must have said something to you that left that impression upon your mind; you say that your impression was that he was going to give that money to the captain? A. I did not say; he left that impression that he was going to give that money to the captain, and he left the impression on my mind that he was there at the instigation of some officer.

By Senator Bradley:

Q. Can you recollect any other man who used any police money? A. No, sir.

Q. Did you bring any influence to bear upon anybody, and any influence to bear upon any power that saved you the exaction of this money in 1892? A. No, sir.

Q. But did you use any influence outside? A. No; I have used no influence outside.

Chairman Lexow.—Do you want to put any questions, Judge?

Mr. Ransom.—No.

Chairman Lexow.—That is all.

Mr. Goff.—It is a matter of necessity, Mr. Chairman, we should take a recess. I am certain there are a number of merchants here, and I will ask you to request them to return after recess, and we will give them the preference in getting away.

Chairman Lexow.—All witnesses under subpoena will attend here again at quarter after 2 o'clock. Merchants will first be put on the stand, but it must be understood they must be here at quarter after 2.

AFTERNOON SESSION.

June 26, 1894.

Present.—Senators and counselors as before.

Chairman Lexow.—If you are ready, Mr. Goff, proceed.

Mr. Goff.—I will call Mr. Lyon, but before I proceed, Mr. Chairman and gentlemen, I think it of importance to read to you and have it placed on the record, the law of this State, decided in the case of Jacob Sharp, referred to so frequently by Mr. Nicoll, and on this very question touching the examination of these merchants in common. I shall read from the syllabus only.

Chairman Lexow.—I think we have all studied the case, unless you want it for general information.

Mr. Goff.—I shall concede that you all are familiar with it, but I want it for general information. I shall read from 107 New York reports, page 427, the People of the State of New York against Jacob Sharp. The Court said: The section of the Penal Code (§ 79), declaring that any person offending against the sections thereof relating to bribery, is a competent witness against another person so offending, and may be compelled to testify upon any trial, hearing, proceeding, or investigation is not violative of the constitutional provision (article 1, § 6), declaring that no person shall be compelled in any criminal case, to be a witness against himself, as it is provided in the sections not only that the testimony so given, shall not be used in any prosecution or proceeding against the person so testifying, but that the person testifying to the giving of the bribe which has been accepted, shall not thereafter be liable to indictment, prosecution or punishment for that bribery. The Court further goes on and says: "The said section embraces legislative proceedings or investigation," and, of course, he comes within a part of the Senate committee, and the chairman has the power to issue subpoenas, etc. I read this continuing: "The prosecution was then allowed to prove, under exception and objections, the testimony so given by the defendant, that this, by Sharp, which tended to show his complicity in the crime, that is bribery; the briber was compelled to testify before the Senate committee as to his participation

in the bribery. That testimony was admitted by the Court of Appeals, which said, "Error; that the Senate had power to authorize the investigation; that the testimony was to be considered as given under a compulsion; that the case was covered by said section, and, therefore, that the testimony so given was privileged.

Chairman Lexow.—The conviction was reversed.

Mr. Goff.—The conviction was reversed and now I hope we have heard the last of the Jacob Sharp case.

Mr. Nicoll.—Well, you have not, because I have something more to say. Of course, something might be said in regard to the Jacob Sharp case, but that case lies upon the decision of the Court of Appeals, and, of course, we bow to that decision, but it has no materiality to the question which I have stated to the committee. Mr. Goff, in the course of this examination, has stated that the police officer complained against by the witness under the circumstances was guilty of the crime of blackmail; that was his suggestion; and I said no; that if the testimony of this witness was entitled to any credit or was true, the witness was guilty of the offense of bribery. Now, when Jacob Sharp was tried for having procured from the board of aldermen in this city the franchise by the use of money, his lawyer claimed, as Mr. Goff claimed here, that he had been blackmailed by the aldermen, but I claim on behalf of the people that Sharp was not blackmailed, but that he was guilty, if he was guilty of anything, of the offense of bribery, because he had procured from the aldermen a bid; they gave him something which he was not entitled to more than any other citizen, and which was finally accepted as the law in the case, the result of which was that Sharp was convicted. Now, under the circumstances, the best the public could give him was something which he was not entitled to or which is in violation of the rights of other citizens, is not guilty of blackmail, but he is guilty of an offense that any man or any merchant in business in this city who wants to obstruct the streets, and is afraid of the obstacles that are thrown in his way, and he tries to get that which he is not entitled to, for the purpose of enjoying that advantage over his fellow citizens, giving a police officer money he is guilty of bribery, and under the corporation act his testimony, if taken in any court of justice, nobody could be held to answer on his testimony; nobody could be convicted on his testimony; nobody could be condemned on his testimony.

Senator O'Connor.—The officer is guilty of two offenses. The man who pays the money is guilty of the offense of bribery, and the officer is guilty of extortion; the first gives the bribe, the

second takes the money; one is extortion and the other is bribery, so the witnesses may be guilty of two offenses or two crimes.

Mr. Goff.—They may be guilty of corruption.

Chairman Lexow.—I understand, Mr. Nicoll, about the law, and I think we all understand it pretty thoroughly. No one of these persons interrogated here can be held by the testimony given.

Mr. Nicoll.—You misapprehend me, Mr. Chairman. My assumption does not tend to mean that they could be. Mr. Goff elicited the information from these witnesses; has addressed the committee for the purpose of urging upon the committee the impropriety of basing a conclusion or judgment upon the uncorroborated testimony of a person whose character permits him to give bribes to a public officer.

Mr. O'Connor.—We do not convict anybody here.

Mr. Nicoll.—But you are here to base a conclusion upon the evidence upon which any man could.

Chairman Lexow.—Do you mean to argue the bribery question here, or do you prove the law as it is; an illustration you would require evidence to sustain the law in order to convict the person on trial by a jury.

Mr. Nicoll.—But the law forbids the conviction of a person on testimony—

Chairman Lexow.—I have heard here with some satisfaction the argument of the gentlemen.

Mr. Nicoll.—I think that Senator O'Connor said that we had here, in effect, a general uprising; he talks about a general uprising and we wish to know if that is the view the chairman takes of it.

Senator O'Connor.—I said if these things are true, as testified to, there ought to be a general uprising in the city of New York, and I do not see how the public in this city can submit to such a thing.

Mr. Nicoll.—I understood you to say from the outset that we are here to give evidence upon which to base legislative action.

Chairman Lexow.—Mr. Goff, will you continue?

Mr. Goff.—I will at once. I wish to have one or two witnesses called.

Chairman Lexow.—Make a note upon the minutes that Joshua Cromwell, was called by the sergeant-at-arms who did not reply, at eight minutes at 3 o'clock.

Mr. Goff.—Are there any persons here who were subpoenaed whose names I did not call this morning. If there are, please come forward.

Leroy M. Lyon, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Chairman Lexow.—You understood the conversation we had here in regard to bribery?

The Witness.—A. Yes, sir.

Q. What is your full name? A. Leroy M. Lyon.

Q. What is your business? A. Fruit merchant.

Q. Where is your place of business? A. Two hundred and seventy-nine Washington street.

Q. And what did you say your Christian name was? A. Leroy M.; a pretty name, too.

Q. I suppose in the course of your business you find it necessary to occupy the sidewalk? A. For bringing things in and out to me; yes, sir.

Q. Have you had any trouble with the police in relation to occupying the sidewalk with your merchandise? A. Not until within a month, for a long time.

Q. So within a month you have had trouble? A. I have been fined.

Q. Well, a long time before that, have you had any trouble? A. No trouble.

Q. Have you ever had any trouble? A. I had trouble prior to 12 years ago.

Q. What was the nature of that trouble 12 years ago? A. I was more or less under complaints and fines for the use of the sidewalk and taking goods in and out to go to court, and pay fines and hire lawyer to get me out.

Q. Did you have any communication with the police in relation to that matter of fixing it up; arranging it? A. Yes, sir.

Q. What was that connection or communication? A. I made arrangements with the wardman to pay so much a year.

Q. What was the wardman's name? A. Something like Hickey.

Q. What precinct is that in? A. That was Church street precinct at that time where I was.

Q. Present Captain O'Connor? A. I don't know.

Q. Of the station-house in Church street? A. Yes, sir.

Q. Who was the captain of the precinct at that time? A. Never had any dealings with the captain.

Q. Who was the captain, do you remember? A. Never inquired.

Q. What did the wardman say to you, Mr. Lyon? A. I asked him what I could fix things for, so I could not be troubled any more, and he told me what he would fix it for.

Q. Was a sum agreed upon? A. Yes, sir.

Q. What was the sum? A. Sixty dollars a year.

Q. Did you pay it? A. Yes, sir; through my clerks, for many years.

Q. How was it paid; put in an envelope? A. Put in an envelope and laid on the desk and he took it up.

Q. How long did that continue? A. Until about two and a half years ago when I moved up to my present business place.

Q. When collecting this money, while you were in Washington street, did the wardman say anything about the purpose for which it was collected or for what it was collected for? A. Not the first wardman?

Q. Well, the second wardman?

By Chairman Lexow:

Q. Did the second wardman, not Hickey? A. Yes, sir; I moved about two and a half years ago to the Worth street district.

By Mr. Goff:

Q. When you left the first or second precinct and you moved up to that precinct, to your present place of business, did you pay there too? A. Hickey sent the wardman around and I made the same arrangements with him.

Q. Another wardman? A. Yes, sir.

Q. In the present place? A. Yes, sir.

Q. That belongs to the precinct of the Leonard street station house? A. Yes, sir.

By Chairman Lexow:

Q. Do you mean to say that the wardman of one precinct sent over to the other wardman of the other precinct and told him what you had been paying? A. I requested Mr. Hickey to tell the wardman what I was paying and have it fixed up.

By Mr. Goff:

Q. The wardman called upon you and received the money? A. Yes, sir.

Q. What is his name? A. I don't know.

Q. Did he say anything to you about the purpose the money was to be paid? A. That wardman, didn't; no, sir.

Q. Did the wardman succeeding him say anything to you? A. Yes, sir.

Q. What did the wardman succeeding the first wardman, after you went up there to your present place of business, say

to you? A. He was taking down our names, and I asked him what he was doing, and he said he was making a report of our using the sidewalk, and I said, "I have been paying for 10 years, and I don't propose to be bothered now; what do you mean by it," and he said, "We have got a new captain, and I have got to find out how much I can raise," and he said he had to raise \$15,000 very soon, for the captain had to pay that much for his appointment; that was the words he used.

Q. That the captain paid that much for his appointment? A. Yes, sir.

Q. How long ago was that?

By Chairman Lexow:

Q. Can you name that wardman? A. That is within two years when we made a change in captains here.

By Mr. Goff:

Q. And that is at the Leonard street station house? A. Yes, sir.

Q. You did not answer the chairman's question; what is that wardman's name? A. No.

Q. Did you hear the new captain's name? A. Never asked.

Q. What was that wardman's name? A. I don't know.

Q. Would you be able to identify him? A. I doubt if I could; the only time I saw him—I only met him twice, two or three times, that once and once afterwards.

Q. Well, when he said that he wanted to raise \$15,000, that was the price the new captain had to pay for his appointment, did he make any observation then or did you? A. Well, I told him it was the easiest way to pay up instead of being fined and drawn up to the court every now and then, and I was willing to pay all they asked; I was perfectly willing, whether it was \$50 or \$100 or \$200, then be bothered about going to court.

Q. How much did he assess you? A. Sixty dollars a year.

Q. Did you pay him? A. It was paid by some of the clerks.

Q. That is about two years ago? A. Within two years.

Q. And you say the same wardman called for his money? A. The same wardman came to the store once after his money; they were very prompt on the 1st of July and the 1st of January.

Q. Then they collected it half yearly? A. Yes, sir.

Q. Thirty dollars each half year? A. Yes, sir.

Q. Never missed a day? A. Never knew them to miss the first of the month, within a day or two when I had been around the store.

Q. During that time you have paid, Mr. Lyon, you have not been troubled? A. Not a bit.

By Chairman Lexow:

Q. When the wardman came around did he have a book apparently containing names in his possession? A. No, sir; I never saw him have any.

Q. After the new wardman came around you say he seemed to know what arrangement you made with the previous wardman? A. It was all understood; yes, sir.

Q. He knew about the fact that you were to pay \$60? A. I don't know anything more about that any more than he was taking my name down in front of the store for using the sidewalk.

Q. They did know when they came around what you were to pay? A. Yes, sir.

Q. You did not see them take a memorandum book, this last wardman, out of his pocket, and refer to it in your presence? A. This wardman had a memorandum book in his hand.

Q. During the conversation had with him when you first became acquainted with him, this last wardman, did he take down the memorandum; did he put down any figures? A. I don't know.

Q. When he told you to put the money in an envelope the first wardman did he tell you the reason why he wanted that method of payment followed? A. No; that is the way we paid.

Q. Didn't he suggest to you to put it in an envelope? A. I wouldn't swear that he did.

Q. Is it customary, as far as you know, to pay the same way as you have paid by other merchants? A. They all make arrangements to do it.

Q. You never insist upon them taking the money? A. No, sir; we make arrangements with this wardman.

Cross-examination by Mr. Ransom:

Q. I understand that the arrangements you made with Hickey was 10 or 12 years ago? A. About 12 years ago; about that; later I haven't paid that.

Q. But you arranged to pay \$60 a year? A. Yes, sir; twice a year.

Q. With Hickey? A. Yes, sir.

Q. How long did the arrangement continue with him? A. As long as I remained down on Barclay street.

Q. That is two and a half years ago? A. About that time; about three years ago.

Q. What was the name of the other wardman; do you know?
A. Don't know.

Q. Did you pay Hickey in person; I mean with your own hands did you pay the money? A. I paid once or twice; yes, sir.

Q. Do you remember those occasions which you remember of his coming around for the money? A. They came around the 1st of July and the 1st of January.

Q. What year did he come around? A. I don't know.

Q. Can you not give approximately the year? A. No.

Q. Don't you know whether it was ten years ago or one year ago or three years ago? A. It was more than three years ago.

Q. That is you fix it because you moved away from that precinct then? A. Yes, sir.

Q. That is the reason you say it is three years ago? A. Yes, sir.

Q. Don't you remember anything about it? A. I remember the dealings and my paying the money.

Q. Can you say it was four years ago that you paid Hickey in person? A. Yes, sir.

Q. When you paid him, Hickey, in person? A. No.

Q. When did you pay him in person? A. Right at the time I was paying him.

Q. Don't you understand my inquiry? A. I am telling you that I did.

Q. I want you to fix the year? A. I can't do it.

Chairman Lexow.—He said he can not tell; he has said that two or three times.

Mr. Ransom.—May I be allowed to press the witness; it is usual in some places to be allowed to press a witness a little.

Chairman Lexow.—Go on.

Q. Now, what from your memory would you say it was; was it four or ten years ago that you paid Hickey in person? A. During eight years prior to three years ago.

Q. Is that the best answer you can give me? A. That's an answer.

Q. Is that the best answer you can make? A. Yes, sir.

Q. Do you remember where it was that you paid him? A. In the store.

Q. Do you remember that? A. Yes, sir.

Q. What is it that assists you memory as the place you paid him? A. Because he used to come to get the money.

Q. Did you see him every time you paid him, when he took the money? A. Yes, sir.

Q. Every time you paid him? A. Yes, sir.

Q. Where were you this morning when the chairman and Mr. Goff announced that if you were to come forward and give your experience, that you would be relieved by anything in the nature of a prosecution? A. I have sworn to tell the truth and I am obliged to do it.

By Chairman Lexow:

Q. You were asked whether or not you were present when Mr. Goff and myself made some statement in reference to the witnesses coming forward and testifying? A. I received a subpoena this morning at 11 o'clock.

By Mr. Ransom:

Q. How long have you been in business? A. Twenty-eight years.

Q. What is your business? A. Fruit.

Q. Have you ever bribed any other policeman than Hickey? A. We have seen the men.

Q. Have you ever bribed any other policeman than Hickey; answer my question; yes or no, if you please? A. Yes, sir.

Q. What did you bribe the other policemen for? A. The new wardman of the new district.

Q. Up in the new place? A. Yes, sir.

Q. Have you ever bribed any other policeman than those two? A. Yes, sir.

Q. What for? A. Oh, they would come in, take fruit; we had to let them take it.

Q. What did they take; what was the worth of it; had you any consideration in permitting them to take the fruit? A. Always told them they were welcome to give the wardman if there were any oranges or anything.

Q. You were giving them fruit then? A. Yes, sir.

Q. What did you consent letting them have it for? A. They wanted it; they always told me, or would give us warning, if there was any raids to be made.

Q. What did you expect to be raided for? A. To raise the money.

Q. You said a moment ago that you were warned if there was to be any raid made, what were you expecting to be raided for? A. To raise the money.

Chairman Lexow.—He said to raise the money.

Q. What did you expect to be raided for? A. After the second time.

Q. What did you expect to be raided for; answer my question?

A. I have seen the time that a policeman has stood right there and when we took a box off the truck and laid it on the sidewalk that they would seize that and would arrest the man for putting boxes on the sidewalk, and they have done it.

Q. Is that the raid you have expected? A. Yes, sir.

Q. That is what you mean? A. They have done that; that is one of their methods of raising the money.

Q. Have you any personal interest in this investigation? A. No; I would rather not to be here.

Q. You believe that you are going to be relieved of this tax, do you not, after this? A. No; I expect to pay it again.

Q. You haven't any confidence, then, in this committee?

Chairman Lexow.—The answer is excluded. We don't care whether the witness has or not.

Mr. Goff.—That is hardly fair.

Q. Can you remember paying a second wardman any money? A. I didn't pay him, personally.

Q. You have testified that he was paid money? A. By my clerks.

Q. Now, what do you know about it is somebody told you? A. I have seen money taken out of the drawer of the place, ready for him.

Q. You did not see it go into his hands? A. I know he had it, because he would come back the next day, if he didn't get it.

Q. Would it be possible for you to give me a fair, direct, plain answer to my question; I asked you if you saw the money go into his hands? A. The second wardman?

Q. Yes. A. I think I told you I did not.

Q. I don't think I heard you say that before; I am much obliged to you for the answer. A. You are welcome to it.

Q. What was the name of the second wardman? A. I never heard it, that I know of.

Q. He was up there when he told you that he was obliged to raise \$15,000, as his captain had to pay that sum for his appointment; where was he then? A. He sat on my stoop, or stood there.

Q. Who heard that conversation? A. I did.

Q. Who else? A. Nobody, that I know of.

Q. You say that you went out and talked with this wardman yourself on that stoop? A. He stood on the stoop and voluntarily talked about it.

Q. You didn't run away from him, did you? A. You bet I didn't.

Q. You stood up there and heard what he had to say? A. I was settling the business.

By Chairman Lexow:

Q. You said that when you went into this new precinct the wardman came around and started to make some memoranda about your encroaching upon the sidewalk? A. I said when they changed captains and had a new wardman.

Q. That is the new place? A. Yes, sir; when they changed captains.

Q. And the wardman stated to you that they had to raise more money, because the captain had to pay \$15,000 for his appointment, is that a fact? A. That's what he said; he said he would have to see where he could raise; "We have got to have something," and during the conversation he said that the captain had to pay \$15,000, because that is what the office costs them.

Q. Did he try to raise your contribution? A. No; he said he was very much satisfied with my contribution.

By Senator O'Connor:

Q. Did the witness say he was paying this within a month?

A. We have not, within a month.

By Chairman Lexow:

Q. You refused to pay this last month? A. No, sir; never.

Q. You refused to pay it? A. No, sir.

Q. How was it arranged? A. I don't know; you mean when I was in trouble then; I had judgment rendered against us for \$5.

By Senator Bradley:

Q. When was your lease up? A. Up in two years.

Q. When was your lease with the policemen up; when did you pay the last installment? A. Coming the 1st of July; next week.

By Mr. Goff:

Q. I think the Senator means in a different way from the way you take it; he means the police arrangement? A. I understand it.

Q. Then it is not due yet? A. No, sir; not due yet.

Q. Well, Mr. Lyon, you have said something about the policemen coming into your store and taking fruit? A. Yes; they help themselves; not since I pay \$60.

Q. Before you paid that? A. Yes; they would come in and want a dozen oranges for this one and that one, and we would give it to them, whatever they wanted.

Q. The new arrangement; would they come and get what they wanted? A. Well, yes.

Q. No objection on your part; what would they say when you gave it to them? A. Oh, well, pretty good fellow.

Q. You said something about them saying that they would notify you of any raids? A. It was always understood that whenever anything was taken up, we would always understand they would protect our goods that were coming in from the walk; there would be no raid when they were put on the sidewalk.

Q. That is, the raid by the bureau of encumbrances, of taking from the sidewalk any packages; that is the raid you referred to? A. Yes.

Q. And did you ever receive notice of any such raids? A. We always had a warning when any such thing was coming up; we were notified about that, and got the goods in.

Q. All the time? A. It was necessary.

Q. Sometimes it was not necessary? A. Then we took our chances.

Q. Were your goods ever seized? A. No, sir.

Q. The policeman was always around, and when a raid was about to be made he would notify you? A. That was the agreement.

Q. You say since you have been paying \$60 a month they have seized nothing of yours in the way of fruit? A. No; we have a new policeman come up until now.

Q. Judge Ransom asked you something about the money given into the policeman's hands; you, as the proprietor of the business, authorized this money to be given them? A. I authorized my cashier and bookkeeper to pay them the money.

Q. You authorized it to be paid? A. Yes, sir.

Q. You say you never heard of the name of the second wardman? A. No, sir; I never heard of it.

Q. The Second precinct, any how? A. Neither one of the wardmen; I never heard of their names that I know of.

By Chairman Lexow:

Q. Neither one of the wardmen? A. No, sir.

Chairman Lexow.—That is all.

John Howard Sweester, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your full name? A. John Howard Sweester.

Q. What firm are you a member of, Mr. Sweester? A. Sweester, Pembroke & Co.

Q. Where is your warehouse? A. No. 374 Broadway.

Q. Your business is what? A. Drygoods, wholesale merchant.

Q. Now, in the course of your business is it necessary to occupy the sidewalk to some extent by your goods? A. Yes, sir.

Q. And you find it necessary? A. I do.

Q. A policeman is on the beat there? A. They are always there.

Q. Have you paid any money in consideration of having your cases undisturbed on the sidewalk? A. When we have been busy and the sidewalks have been full I have requested the policeman to look after the interests of the goods on the sidewalk to see that they were all right.

Q. What amount did you give him? A. According to circumstances.

Q. Well, say \$5, \$10 or \$20? A. From \$5 to \$25 at different times.

Q. Now, of course, you, as a well known citizen of this city, know that that police officer was not doing his whole duty in allowing your cases of goods to remain on the sidewalk? A. Do you ask that as a question?

Q. Yes, sir? A. No, sir; I do not.

Q. Did you not know, Mr. Sweetser, that your cases of goods constituted an incumbrance on the sidewalk, what is called an incumbrance? A. That they occupied room on the sidewalk; yes.

Q. And the money that you paid the police officer, was it not that you be relieved from any annoyance from that occupation? A. I paid it in the light of paying a man for what he was doing, if he was watching my sidewalk, the same as any other man who serves me I would give him what I thought would be right.

By Chairman Lexow:

Q. You knew, Mr. Sweester, he was being paid by the city? A. Yes, sir; of course he was.

Q. And this was payment in advance of his regular salary for doing what, as you now claim, the duties he was paid for by the city? A. I would pay him the same as I would pay anybody else that worked for me, or that did work for me.

By Mr. Goff:

Q. But, Mr. Sweester, you are a taxpayer in this city? A. I am sorry to say, sir, I am.

Q. And paying taxes, you put your knowledge and experience of our city government; and, of course, you understand that it goes without saying that our city government is supposed to be the police protection for the citizens? A. Yes, sir.

Q. Now, you know you are not under obligations then to pay that policeman, didn't you? A. You ask that as a question?

Q. Yes? A. I paid it in the same light that I would any other servant that did work for me; I would pay them for what they did.

By Chairman Lexow:

Q. But what—he was not your servant? A. Most assuredly.

Q. He was? A. Yes, sir.

Q. So the understanding between you and that particular policeman would be that he was acting as your servant and servant of the city at the same time? A. There was no understanding; I presented him with some money the same as I would to anybody else.

Q. Have you had any complaints against your firm for violation of the corporation ordinance in obstructing the sidewalk? A. No, sir.

Q. You have not? A. No, sir.

By Mr. Goff:

Q. And you have been in the habit of making these presentations, as you have characterized them? A. Whenever the busy season comes on.

Q. How many years would that cover; what period would that cover? A. It would be difficult to answer that.

Q. Approximate as nearly as you can? A. Quite several years since my business has been as large as it is now.

Q. Then it has lasted for several years to your personal knowledge? A. No, sir; we were at the corner of Franklin street and Broadway prior to that.

Q. You have not always been located, then, at your present place? A. No, sir.

Q. But the place where you are now, did you make those presentations? A. Yes.

Q. Before you went there? A. I do not remember that we did or did not.

Q. How many years are you at 327 Broadway? A. Six or eight years we have been in the present location.

Q. What suggested itself first to you to make this presentation to the policeman? A. In the light that I always pay for work that is done.

Q. But the policeman was never in your employ? A. He has looked after the interest of our concern.

Q. Did you employ him to look after the interests of your concern? A. Further than that, no.

Q. Did you ever make any agreement with him to pay him for his looking after your interest, that he would receive any compensation for that? A. No, sir.

Q. Then you made the presentation to more than one officer, have you? A. I have.

Q. Another officer has been on duty there? A. On duty.

Q. You regarded this as a customary thing? A. I did.

Q. And the policeman always expected this presentation? A. Yes.

Q. As I understand you, you gave the amount by the volume of business and the extent of the obstruction on the sidewalk, is that it? A. In proportion, as the goods were on the sidewalk, so I would pay for the work that was done.

Q. So if the whole sidewalk would be taken up, the amount of his work would be determined by that? A. Yes, sir.

Q. You would make him a presentation of \$25 if the whole amount of the sidewalk was taken up? A. Yes, sir.

Q. And if one-fifth was used, the amount of work would be reached in that way? A. If you want to put it in that way.

Q. It was paid in that way? A. Yes, sir.

Q. I only want your idea about it? A. Yes, sir.

Q. Did the police officers remove any goods and put them on barrows and run them into your warehouse? A. I never saw him do anything of that sort.

Q. The policeman walked around, looking wise and dignified? A. He looked after our interests.

Q. He was bound to see that your goods were not stolen, as a citizen of this city? A. I suppose he did.

Q. And you were not under any special obligation for that? A. No, sir.

Q. And this policeman was not specially detailed by the captain to look after your house? A. Not that I know of.

Q. He was an ordinary patrolman on the beat there? A. I suppose so; yes, sir.

Q. Now, in the handling of these goods, you have porters around, and cartmen, and draymen, etc.? A. Yes, sir.

Q. And a sufficient number of men to see that thieves do not come up and run away with them? A. Not always.

Q. You do not leave your cases of goods out all night? A. Oh, yes.

Q. You have got a watchman? A. We have no private watchman.

Q. Well, have you got a watchman, whether public or private? A. The policeman that remains around there, we got him to look after them at night, to see that they were perfectly safe.

Q. Did you consider that it was necessary for you to pay money to policeman to see that your goods were not stolen? A. I would not have done it if I had not.

Q. You considered it necessary? A. I considered it desirable.

Q. Well, desirability and necessity are close allies? A. Yes, sir.

Q. We have it that you would, as a well-known, prominent merchant of this city, consider it necessary or desirable, to use your words, specifically, to pay a policeman on duty to do the duty he is sworn to do; is that a fact? A. I should not have done it if I had not thought it was desirable.

Q. You should not have done it? A. No, sir.

Q. I take your answer as a modification of my question.

By Chairman Lexow:

Q. How much of the block does your store occupy? A. We are 75 feet on Broadway and 150 on the other street.

Q. Did other similar stores have a policeman to look after its packages and goods on the sidewalk? A. I did not just get your question, sir.

Q. Do other stores have a policeman in this city to look after its goods? A. That I don't know, sir.

Q. If this particular policeman was paying so much attention to your particular property, what became of the property of your neighbor? A. I don't know about that.

Q. Did others have the same man? A. I don't know.

Q. And were they, the payments made in an envelope? A. No, sir.

Q. Openly in bills? A. Yes, sir; in bills.

Q. They are down on the regular books of account? A. I presume so.

Q. Do you know? A. I do not.

Q. Do you know, whether or not, this policeman you spoke of, was on the pay-rolls of your store? A. No, sir.

Q. He was not? A. No, sir.

Q. Do you know whether any memorandum was kept of the amount paid to him? A. I do not.

Q. How much would it aggregate in a year? A. Not to exceed \$100.

Q. Did those payments just reach \$100? A. I don't know anything about that; there has never been any regular amount.

Q. Have you ordered the payments made? A. I sometimes ordered the payments made and sometimes done it myself.

Q. Would anybody in your store know about all the payments you made for this class of service? A. I don't know, sir.

Q. Do you know more about it than anybody else? A. I try to know what is going on, sir.

Q. Did you make the payments yourself, sir? A. Some of them.

Q. In money or otherwise? A. Sometimes in money and sometimes we have given them a small amount of goods.

Q. Gave him goods instead of money? A. Yes, sir.

Q. Do you know whether or not the money went to the men to whom it was paid? A. I do not.

Q. Did you pay them in value the amount of it? A. Once in a while.

Q. You have never had any notice from the bureau of encumbrance of any kind? A. No, sir.

Q. And you have kept up these payments that you spoke of continuously? A. Whenever it was necessary.

Q. What do you mean by whenever it was necessary? A. Well, according to the stage of the business.

Q. Well, according to whether you encumbered the sidewalk more or less? A. Yes.

Q. Or in other words, whether you were violating the ordinance law more or less, you made large or small payments? A. In accordance with the amount of sidewalk required to be watched, or that required watching, so we have paid for protection to the man who was watching.

By Senator Bradley:

Q. These are all large cases that your firm uses? A. No, sir.

Q. Not very small, but very large, more than a man could pick up and run away with? A. No, sir.

Q. You would not leave them out at night then? A. We did.

Q. Small cases? A. Yes, sir; in a very busy season, not as a rule.

By Mr. Goff:

Q. Your shipping clerk is in court? A. I think he is; yes, sir.

Q. Do you see him? A. I think so.

Q. Well, if the Senators are through with you, we will excuse you? A. Very well.

Mr. Goff.—Now Mr. Shipping Clerk, please take the stand.

Isaac B. Welsh, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Your full name, Mr. Welsh? A. Isaac B.

Q. Where do you reside? A. Jersey City, New Jersey.

Q. The address, please? A. The Jersey City address?

Q. Yes? A. No. 102 Clerk street.

Q. Mr. Welsh, you are the shipping clerk for the firm of Sweester, Pembrook & Co.? A. Yes, sir.

Q. And have been for a number of years? A. No, sir; about a year and eight months.

Q. Were you in the employ of the firm before that? A. Yes, sir.

Q. What business or what position? A. In various positions; I am boss cartman of the shipping department also.

Q. What part of the business is your office? A. On the sidewalk; out on the sidewalk.

Q. So you attend to the depositing and carting away of the cases of goods that come there? A. I do so.

Q. Of course, during the busy season of the year, the sidewalk is pretty well occupied in taking away or in these cases? A. Yes, sir.

Q. It is necessary to find room to place them? A. It is; yes, sir.

Q. And at night, is it not a fact that these cases are piled up two or three or four high? A. Usually about two high, not higher than two or very seldom.

Q. Sometimes they are higher? A. Yes, sir; possibly.

Q. And they remain there during all the night? A. Occasionally; yes, sir.

Q. During the busy season? A. Yes, sir.

Q. Has the policeman on the beat ever spoken to you about occupying so much of the sidewalk? A. Well, no; I can not say that he has, once in a while there would come an extra policeman around there, and he would say I see you take up a great deal of sidewalk; that is all.

Q. That is all? A. Yes, sir.

Q. When you say an extra policeman, do you mean a policeman other than the one especially assigned to the beat? A. Yes; I mean the policeman that was there sometimes around that were not on that beat.

Q. And he would raise the question at first? A. Yes, sir.

Q. And after he made Mr. Sweester's acquaintance he would not raise any more questions? A. I don't know that he ever made Mr. Sweester's acquaintance.

Q. Were you aware of the fact that Mr. Sweester made them presents of the money? A. I never knew that he made money presents; no; he has given them small presents now and then.

Q. You knew that before to-day? A. Yes, sir.

Q. And that he gave this policeman presents on account of the occupancy of the sidewalk? A. Well, I presume that was it; I think I do not know; I can not testify to anything that I do not know about.

Q. I understand your position, Mr. Welsh, you are in the hearing of your employer, and I appreciate your position very much; now, Mr. Welsh, don't you know it, as a matter of understanding, and as a matter of notoriety among all drygoods houses in that district that they have to pay sometimes?

Mr. Nicoll.—I object to that.

Mr. Ransom.—Did the Senators hear the question?

Mr. Nicoll.—We object to the understanding and notoriety.

Q. Confine your answer to the extent of the understanding; I will substitute custom for notoriety.

Chairman Lexow.—What is the question, Mr. Stenographer? (Question read by the stenographer.)

Mr. Ransom.—It is still objected to then.

Chairman Lexow.—I overrule the objection.

A. I do not know; I can not say positively that I do know, although I believe it.

Q. And your belief is founded on what you have heard generally spoken? A. Yes, sir.

Q. You meet shipping clerks of other large houses? A. No, sir; I can not say that I do.

Q. But you associate with men in business; you necessarily must? A. Yes, sir.

Q. And other places? A. Yes, sir.

Q. And you base your belief upon common knowledge? A. Yes, sir.

Q. And all the men about the dry goods business? A. Yes, sir.

Q. Wait a moment; it is a common thing that money is being paid the policeman on account of the occupancy of the sidewalk?

A. I base my knowledge that money has been paid, whether it is for protection or for the occupancy of the sidewalk or not, I can not say, but I have heard it.

Q. Don't you know, as a matter of fact, that all the dry goods houses, or nearly all the dry goods houses, in the district have to occupy the sidewalk more or less? A. Yes.

Q. And don't you know for the occupancy of that sidewalk they give some compensation or other money? A. Customary presents.

Q. In bills? A. I don't know that; I can only speak of my own concern.

Q. You said a little while ago you believed it to be a rule? A. Yes, sir.

Q. And your belief is founded upon the common knowledge that you have acquired in the neighborhood of that district? A. Yes, sir.

Mr. Nicoll.—I move to strike out all about notoriety and common understanding, as not founded upon the knowledge of this witness.

Chairman Lexow.—Motion denied.

Mr. Nicoll.—No questions.

Thomas J. Roberts, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Your place of business is where? A. One hundred and eighty-one Reade street.

Q. Your business? A. Fruit and produce.

Q. How long have you been there? A. Been there about nine years.

Q. In the course of your business you have to occupy the sidewalk, more or less? A. Yes, sir; more or less.

Q. All around in your vicinity the same thing would be applied? A. Yes, sir.

Q. Have you had trouble with the police about the occupancy of the sidewalk? A. Yes, sir; some trouble.

Q. Have you been fined ever? A. Yes, sir.

Q. Have you paid the police? A. Yes, sir; I paid a fine within the last two months.

Q. How long a period before have you been fined, if ever? A. I have not been fined before; I don't think I ever was; I have had a great many notices.

Q. But you never have been fined? A. No, sir.

Q. How were the matters fixed up one or two years ago? A. My lawyer fixed it up, and after that I had the policeman fix it.

Q. How did you have the policeman fix it up? A. I gave him my motives and I told him I would like to have that matter settled.

Q. Was that the policeman on the beat? A. Yes, sir; generally the wardman.

Q. What was his name, do you know? A. Previous to three years ago, I think his name was Parker.

Q. And within the last three years? A. Kelly.

Q. You are in the precinct of which the Leonard street station house is in the center? A. Yes, sir.

Q. When you gave your notices to the policeman, did you give him any money? A. Never gave Mr. Parker any money.

Q. Did you give anybody any money? A. Yes, sir.

Q. Gave Parker nothing? A. Not directly.

Q. Indirectly; you understand; I will let you tell the matter in your own way; I don't want to occupy time here? A. For two or three years previous to Mr. Kelly's being appointed the wardman, we paid Mr. Parker \$10 or \$12, or \$10 or \$15, indirectly through our neighbor.

Q. Through another merchant? A. Yes, sir; a neighbor.

Q. That was the understanding, that you were to pay through another merchant? A. Yes, sir.

Q. Put your money in an envelope? A. No, sir; gave it to that merchant.

Q. Did you have any understanding with Parker, that you should give it to your neighbor? A. There were two stores together, and this money was for the protection of the two stores.

Q. Did you have any talk with Parker about it? A. No; he was always very friendly though; I never had any talk with him about it.

Q. Within the last three years, did you pay Kelly? A. No; we did two or three years, I paid Kelly.

Q. How much? A. Twenty-five dollars a year.

Q. Did you pay him directly? A. Yes, sir; I paid him myself.

Q. Put the money in an envelope? A. I put it in an envelope.

Q. Who called for it; did he? A. I generally called him in the office the time I paid him and he asked me for my card; if my card was on it, and I told him no, and he said he wanted a card to show the captain so the captain would know where he had come from, and I told him no, but the card was on the outside of the envelope; if that would do, and he said it would.

Q. Oh, on your printed envelope? A. Yes, sir.

Q. Did he have a special time in the year for calling? A. No special time, I paid him money in the spring and during the year.

Q. Did he say anything about where this money was going, to whom it was to go, for what purpose? A. One thing he said was the remark he made about my putting it in an envelope, so the captain would know where it came from that's the one talk we had.

Q. While you were paying you were not troubled about notices or anything of the kind within about two months? A. That is right.

Q. That is after the Senate committee was appointed? A. Yes, sir.

Q. Were you ever called upon to make presents from anybody else? A. No, sir.

By Chairman Lexow:

Q. The usual way which they approached you was to receive from \$15 to \$25? A. The new captain came, Captain Stevenson, and the new wardman, and it was generally understood that \$25 was the price paid for the stores on the block and \$50 on the corners.

Q. Did this new wardman, Kelly, give any reason for the increase of \$15 to \$25? A. No, sir; they were satisfied by the increase.

By Mr. Goff:

Q. Was it a matter of common knowledge there, among all the merchants in that neighborhood, that they paid in the same things in bills to the police? A. I guess they all paid; there might have been a few exceptions.

Q. That is the general thing? A. Yes, sir.

By Chairman Lexow:

Q. You mean it is considered a part of the business system there? A. It is done for the last two years.

By Senator Bradley:

Q. You say you were never brought before the court only the last two months? A. Yes, sir.

Q. Were you fined? A. Yes, sir.

Q. How much did you pay? A. I was not summoned in my name, the present firm is changed, it is now L. P. Roberts & Co., and the summons was put in the old firm's name, and I paid \$2.50.

Q. How much? A. Two dollars and fifty cents; it was only a small matter; we only had two or three notices within a week.

Q. When did you pay your last tribute to the wardman Kelly? A. Last March a year ago.

Q. Your time was up, your lease was up before you were notified? A. Yes, sir.

Cross-examination by Mr. Ransom:

Q. The chairman asked you when you made your last contribution? A. In the early part of March one year ago.

Q. By contribution, as you understood, you meant the payment to the wardman? A. Yes, sir.

Q. You made that payment for the purpose of being relieved of annoyance and being complained of for violating the law? A. Yes, sir.

Q. Would you object to my using the word bribe instead of contribution? A. We didn't look at it as a bribe it was a matter of business; we had to do it or get out of business.

Q. The sidewalks you could not use unless you violated the law so you paid the policemen for the privilege of using them? A. We paid the policemen.

Q. Is this man Kelly and this man Parker you paid—you never paid Parker directly? A. No, sir.

Q. You paid Kelly? A. Yes, sir.

Q. Directly yourself? A. Yes, sir; so far as Parker is concerned I don't know whether he ever got the money or not.

Q. How many times did you pay Kelly? A. Twice.

Q. Do you remember those occasions? A. Yes, sir.

Q. That you paid? A. I met Kelly within a month of it; was either last February or the fore part of March.

Q. What year? A. Eighteen hundred and ninety-two or 1893.

Q. Was anybody present when you paid him? A. No, sir.

Q. Was the payment made at your store? A. Yes, sir.

Q. You never paid any policeman officially a contribution? A. No, sir; never paid a policeman a cent directly.

By Mr. Goff:

Q. Is it not a fact, Mr. Roberts, that if you did not pay this money, whether you violated the law or not, you would be troubled by the police? A. Certainly I would be troubled; my neighbors would use the walk and I might as well close my store if I did not.

Q. So it does not devolve upon your observation of the mere violation of the law at all; it was a question of necessity for business? A. Yes, sir; that is the way I looked at it.

By Mr. Ransom:

Q. Is it right for you to pay? A. It is not.

Chairman Lexow.—No, but it has been assumed right here, right along, that merchants have been violating the law to that

extent because there were policemen and other officials who were violating the law.

Mr. Goff.—Because many of your packages of goods that were carted from the store and that were left down on the sidewalk for a moment, the witness has testified, that his man would be arrested; that is not a violation of the law, but the law allows a reasonable use of the sidewalk, so long as pedestrians have the use of it.

Chairman Lexow.—It should be a question of violation of the law, because where they wanted to stop prosecution, they necessarily violated the law.

By Mr. Ransom:

Q. I do not rise for a question as to the construction, but I do say to you, Mr. Chairman, as a fair lawyer and a fair man, that the witness should be allowed to testify.

Chairman Lexow.—That is right.

Mr. Ransom.—I do not mean to say that he will testify to anything untrue; I would not regard it in that light, but what I mean is that the witness should be allowed to testify, and the counsel should not.

Chairman Lexow.—That is right.

Mr. Goff.—I simply ask this witness, a merchant, after this testimony has been given, and predicated my question upon facts, if such and such a condition was not the case.

Chairman Lexow.—The answer is in, so you can cross the bridge when you get to it the next time. All these witnesses come under subpoena. It is not a question of voluntary appearance on their part.

Mr. Goff.—And very much against their will.

Pasquale Garguilio, a witness called on behalf of the State, was duly sworn, and testified as follows:

Direct examination by Mr. Goff:

Q. What is your first name, Patricio? A. Pasquale.

Q. What is your business? A. Fruit.

Q. Where is your place of business? A. Seven hundred and twenty-two Barclay street.

Q. What do you keep there, a store or basement? A. Basement.

Q. You have had to put your fruit on the sidewalk? A. Yes, sir.

Q. How is it, do you display your fruit for sale? A. I don't put much stock on the sidewalk; I put it in the stoopline sometimes.

- Q. Then you have a sort of stand there? A. On the sidewalk?
- Q. Within the stoop line? A. Yes, sir; in the stoop line; and once in a while on the sidewalk, about half an hour or so.
- Q. What, retail as well as wholesale? A. Yes, sir.
- Q. So that any person passing can buy your fruit? A. Yes, sir.
- Q. You have had to pay the police, have you not? A. No, sir.
- Q. Never paid? A. No, sir.
- Q. Or anyone, have you? A. No, sir; not that I know of.

By Chairman Lexow:

- Q. Have you clerks in your employ? A. Yes, sir.
- Q. A bookkeeper? A. Yes, sir.
- Q. Have you paid money that you know of? A. No, sir; not that I know of.
- Q. Have the others ever paid? A. No.
- Q. Not a cent? A. No, sir.

By Mr. Goff:

Q. Did you ever pay any person, no matter who it was, a policeman or any other person; did you ever pay any person one cent? A. No, sir; I don't remember.

Q. And if you did pay, would you not have remembered it? A. No, sir; I don't remember paying to anybody, because everything I paid I put in check, pay it in check, only small amounts I pay in cash.

Q. Now, let us see; do you know Antonio Zucca? A. Yes, sir.

Q. Did you ever have a conversation with him about paying money for the use of the sidewalk? A. He used to come around there and fool with me.

Q. Did you ever have any conversation with him about paying for the use of the sidewalk? A. No, sir; never told him I paid any money at all; never told him a word about it.

Q. Did you ever tell any person? A. No, sir.

Q. When did you get subpoenaed? A. Last Friday.

Q. Were you here since? A. No; I didn't come, because I was sick.

Q. With whom did you talk about subpoenas since you got one? A. I talked with Zucca.

Q. Any other person? A. No; I got one this morning; that is the reason I came up.

Q. You didn't come up Friday? A. No, sir; I was sick and I got a certificate of the doctor.

Q. You mean to say you never told Zucca that you had to pay for police protection for the sidewalk? A. Not that I remember it.

Q. Will you swear you never told Zucca? A. Not that I remember it.

Q. Will you swear that you never told Zucca you had to pay the police or some other person for the police? A. I don't know; I didn't tell them.

Q. Wait a moment; keep quiet; did you ever tell Antonio Zucca that you had to pay \$25 to the police or any other person for the police, for the privilege of occupying the sidewalk; did you, or did you not? A. I don't remember; no, sir.

Q. Never mind what you remember; did you ever say that to Zucca? A. No, sir; not that I remember; I don't remember if I did say it or not.

Q. If you did say it, was it true? A. If I did say that—he always come around fooling with me.

Q. If you did say it, was it the truth? A. I don't know, because he always fooled; he comes and kids with me about not paying—about my sometimes paying; he say, "Pasquale, you pay;" and I said, "Yes, I pay \$25;" I told him that only fooling.

Q. Sometimes you fooled with him and said you paid \$25 for— A. Yes, sir.

Q. Wait a moment till I get through; did you ever show him an entry in your cash book, where you had paid \$25? A. No, sir.

Q. You are positive? A. Yes, sir.

Q. Have you got a cash book? A. Yes, sir; not here.

Q. Where is it? A. Down to my place.

Q. Will you bring it here? A. Yes, sir.

Q. Did you ever show him the cash book where you had it that you paid \$25? A. No, sir.

Q. What did you say; why did you tell him, when you were fooling, you paid \$25; when was that? A. I told him more than 50 times, when he came around; I told him 50 times when he asked me how much I paid for policeman, because they had stuff on the sidewalk, and he said, "The stuff you must pay; how much you pay;" I said, "Sometimes 50 times," I guess; sometimes 50 and sometimes 25," but I was fooling with him.

Q. So when you said to him that you paid \$50 you told him a lie? A. Yes, sir; I didn't pay it.

Q. Well, then you are a liar? A. No; I was only fooling; I didn't mean to tell a lie; only fooling.

Q. But you lied to him, whether you meant it or not? A. Well, he bothers with me.

Q. I ask you, then, if you told him that, you lied to him, did you not? A. I didn't mean to lie.

Q. But you did lie to him when you said you paid \$25 or \$50? A. I didn't mean to lie.

Q. But you lied; you told him what was not true? A. Yes.

Q. What purpose had you in lying to him? A. Because he was fooling and kidding; that's all.

Q. Are you in the habit of fooling with people, and lying in that way? A. He came around and wanted to know what I pay, and sometimes I say I pay \$25 or \$50; I no going to tell him my business.

Q. Did you ever tell anybody else that you paid the police? A. No, sir.

Q. Will you swear you did not? A. Yes; I swear I didn't.

Q. Are you sure now? A. Yes, sir.

Q. A while ago you said you could not remember whether you said it to Zucca? A. That is this time when I told him, because he was fooling.

Q. Did you ever fool with anybody else in the same way? A. I don't remember it.

Q. Will you swear you didn't tell somebody else besides Zucca that you paid the police \$25 a month? A. Well, I don't remember it.

Q. Will you swear you didn't? A. No, sir; I didn't.

Q. Will you swear you didn't lie to anybody else? A. I swear I don't remember telling anybody else.

Q. Do you remember a gentleman coming around to you, an American gentleman, not a countryman of yours, and asking you if you had not paid \$25 to the police? A. Yes, sir; I remember a young man coming around.

Q. You remember that? A. Yes, sir.

Q. What did you tell him? A. I told him I didn't pay anybody anything.

Q. Will you swear you didn't tell him that you paid \$25 to the police? A. Yes, sir; I swear it.

Q. Now, remember what you are doing; you swear you did not tell that gentleman that you had paid money to the police? A. Yes, sir.

Q. For sidewalk protection? A. Yes, sir.

Q. Do you remember his name? A. No, sir.

Q. I will give you his name; do you remember a gentleman by the name of Oakley calling upon you? A. No, sir; I know I remember a tall gentleman coming around there, but I didn't give you his name.

Q. Do you remember telling Mr. Oakley that it cost you a good deal of money? A. Not that I know of.

Q. Did you tell him? A. No, sir; I didn't tell him.

Q. You didn't say anything at all to him? A. No, sir; I told him to go to Zucca about it.

Q. Go to where? A. To Zucca.

Q. Where was that? A. I told him to go see Zucca.

Chairman Lexow.—He says he told him to call on Zucca.

Mr. Goff.—I thought he was telling him to go somewhere.

The Witness.—He came there one day, and I said if you want to find out anything go to Zucca.

By Chairman Lexow:

Q. Why did you refer him to Zucca? A. Because he sent him around to me to fun me, because he is always fooling about it; and I said if you want to find out anything go to Zucca.

By Mr. Goff:

Q. You say you have a cash-book? A. Yes, sir.

Q. And you put down in that cash-book every dollar you pay out? A. No, sir; not every dollar.

Q. What is it for? A. Small amounts sometimes, they don't put down; I got three brothers down there, retail and whole-sale, and sometimes my brother uses some small amounts, and he don't put it in the book.

Q. Do you mean to say the policeman on the beat never took an orange off your stand? A. Oh, yes.

Q. And bananas? A. I don't handle them.

Q. What kind of fruit do you handle? A. All kinds of fruits, California.

Q. And the policemen usually help themselves to fruit? A. Yes.

Q. And you don't charge them for it? A. Well, they say they would pay that some other day.

Q. How much are they in the habit of taking? A. Sometimes they take a quarter's worth of oranges, and they say I will come next time, and I will pay you.

Q. Have they ever paid you? A. Never seen them.

Q. What did you allow the policemen to take your fruit away for? A. Sometimes anybody could come along, a friend that I know, and say give me a quarter's worth of oranges, I will pay you next day.

Q. And when you knew the policemen were in the habit of taking them, and not paying you, why did you allow them to do it again? A. Different policemen from next time.

Q. Do you think if the Senator there would come to your store for fruit; do you think you would trust him and let him take a quarter's worth of oranges from you?

Mr. Nicoll.—I object to that.

Q. Well, I put myself in the Senator's place?

Mr. Nicoll.—Oh, well I won't object to that.

Q. Would you allow me to take the oranges from your stand?

A. If I knew you.

Q. If I was in the uniform of the police, and had brass buttons on? A. Sometimes they come around and they say they want a quarter's worth of oranges, and I let them take them.

Chairman Lexow.—I would suggest your calling the more important witnesses, because we shall have to adjourn at 4.30 to-day.

Mr. Goff.—Not call the important witnesses?

Chairman Lexow.—No; I said call the more important witnesses.

Mr. Ransom.—No questions.

Job E. Laird, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. Produce business.

Q. Where is your place of business? A. Three hundred and forty-eight Washington street.

Q. I suppose you have to occupy the sidewalk somewhat, as the rest of the merchants do? A. Some; yes, sir.

Q. Have you had to pay the police for the use of the sidewalk? A. No, sir; not since I have been there.

Q. How long have you been there, Mr. Laird? A. Since the 1st of last December.

Q. Before you were there, where were you? A. I was at 344, on the corner.

Q. Had you to pay there? A. I had to pay once; yes, sir.

Q. How much did you pay? A. I paid \$25.

Q. To whom did you pay the \$25? A. To Mr. Kelly.

Q. Wardman Kelly? A. Yes, sir.

Q. How did you give the money to him; was it in an envelope? A. No; I counted it out to him on the desk.

Q. Handing it to him? A. Yes, sir.

Q. What did he say to you when you paid him the money? A. Nothing particular; no more than that was the arrangement.

Q. Tell the Senators in your own way? A. That was the arrangement that we would not be bothered in regard to the sidewalk for a year.

Q. And were you bothered? A. No; not particularly.

Q. During the whole year? A. No.

Q. When the year expired and you moved from there to your present quarters, have you been bothered? A. Only once.

Q. How long ago? A. I guess it is about two months or so.

Q. Since the Senate committee has been appointed? A. I think it is about two months.

Q. Were you fined? A. Yes, sir.

Q. Brought to court and fined? A. Yes, sir.

Q. Did you ever make any protest against paying this money whenever there was a demand upon you? A. No, sir; never made any protest, because it was a necessity; that was the usual way everybody done, and I was a new man up there, and I had to do as the others did, I suppose.

Q. You felt that you had to do that in order to do business? A. That was the supposition; yes, sir.

Q. Did the wardman say anything about who the money was for? A. No, sir.

Q. Did he tell you to pay it in any form? A. No, sir; never said anything about any form.

Q. Nothing about an envelope? A. No, sir.

Q. Did you put it in an envelope? A. No, sir.

Q. Paid it in cash? A. Yes, sir.

Cross-examination by Mr. Ransom:

Q. When was it you say you paid Kelly \$25? A. I think it was the 5th or 6th of April, two years ago.

Q. I understood that that was the only payment you ever made? A. The only one I made in my life to anybody.

Q. Who was present? A. Nobody.

Q. Where did you pay it? A. In my office.

Q. Your office, 344? A. Then, yes, sir; 344, that is right.

Q. It was there you paid it? A. Yes, sir.

Luke Boyle, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. Paper stock and manufacturing.

Q. Where is your place of business? A. Two hundred and three South Fifth avenue, and factory Ninety-second street.

Q. Have you got to use the sidewalk some in your business? A. Certainly, loading and unloading, of course.

Q. Taking goods in from your carts into your store, and from the store on to your carts? A. Yes, sir.

Q. You do not occupy the sidewalk any more than is actual'y necessary for the transit of your goods? A. No, sir.

Q. Have you had any trouble with the police about taking your goods backwards and forwards? A. Never had any trouble with the policeman; I am 32 years in the paper stock business and never had a bit of trouble with the police.

Q. Were you ever approached by a police officer, or a demand made upon you? A. No, sir.

Q. Did you ever tell anyone you had been approached by a policeman? A. I never did; I couldn't tell anyone, because I had no occasion.

Q. Any complaints that were made against you for violating the corporation ordinance? A. Yes, sir.

Q. What has become of those complaints? A. Well, I never was fined.

Q. How did you get rid of the complaints? A. I came down there.

Q. Down here, you say; you put your thumb in some direction and we can not get that down on the stenographic report; please tell us where you came? A. It was down by the city hall somewhere.

Q. For what did you come — to whom?

Chairman Lexow.— Before Judge Lynn?

By Mr. Goff:

Q. To the bureau of incumbrances? A. Yes.

Q. Then you went down to the department of public works? A. Yes, sir.

Q. Did you fix it up in the bureau of incumbrances? A. Well, I never was fined.

Q. Did you fix it up in the bureau of incumbrances? A. How do you mean, fix it up?

Q. I don't know; that is common English language? A. I was sent a summons, and went down there, but I never was fined.

Q. What did you do when you came down? A. I came down with the summons.

Q. Whom did you see there? A. I can not exactly tell the party I saw there.

Q. An official? A. I never took any look at him, who the gentleman was I saw there.

Q. What did you say, and what did the party say to you whom you saw? A. They told me to go home to my business; to go back to my business.

Q. So that after you got your notice that you had violated the corporation ordinance, and you came down to the bureau of incumbrances, you showed your notice, did you? A. Yes, sir.

Q. And the party to whom you showed your notice said to go home, that is all right? A. Go home and tend to your business, that's all right.

Q. From the time you got your notice until you went down to the bureau of incumbrances, did you see anybody about your notice? A. No, sir; I had no occasion.

Q. Why? A. Because I didn't think I was violating the law.

Q. I didn't ask you what you thought, but what you did after the bureau of incumbrances had sent you a notice that you were to go down; you went down and then this party told you to go home and mind your business; can you explain about that? A. A. I don't know anything about it.

Q. Did you get any friend to fix up the arrangement? A. To fix up the arrangement?

Q. Yes? A. I have been in the city long enough to know —

Q. To know the ropes? A. Yes; I am 40 years here now in business.

Q. And would you know that gentleman whom you saw in the bureau of encumbrances? A. Yes, sir.

By Chairman Lexow.

Q. He is a friend of yours? A. I don't know; sometimes.

Q. Do you know whether he is a friend of yours or not? A. There is some party there; he may be a friend of mine or not.

By Mr. Goff:

Q. What is that very accommodating party's name? A. I don't know.

Q. Can't you give us the name of that interesting individual who would tell a man to go home and tend to his business? (No answer.)

By Chairman Lexow:

Q. Don't you know his name? A. I forgot his name.

Q. What position does he occupy? A. He was a clerk; I don't really know; I wasn't violating the law, and I couldn't be fined.

By Mr. Goff:

Q. Did you ever see him outside of the bureau of encumbrances? A. No, sir; I did not.

Q. How do you know he was a friend of yours? A. I know it; I guess he is.

Q. That is not an answer; how do you know he was a friend of yours? A. How do I know he was a friend of mine?

Q. It is not necessary for you to repeat my question. A. I knew him when he was a boy.

Q. Knew him ever since he was a boy, and you can't give us his name? A. I can't, now.

Q. Has it left your head? A. I am losing my memory: I am not so young, and I can't remember things.

Q. When last did you know his name? A. About six months ago, I suppose, when I last saw him.

Q. You know this man since he was a boy, and do you mean to say that your memory has failed you since you have gone into the witness chair? A. No; it did not.

Q. Can you go to the bureau of encumbrances and identify him? A. I don't know; I might, if I saw him.

Q. If you knew him when he was a boy, don't you think you would be able to know him now? A. Well, I knew him when he was a boy, and I don't know whether I would know him now; you know when a boy grows up to be a man —

Q. But you have seen him many times when you have gone there with notices? A. Never went down there but once; my son goes down.

Q. Your son knows him? A. Yes, sir.

Q. Didn't you tell your son when he went there to call for him? A. I didn't do anything of the kind.

Q. What did you tell your son to do? A. My son went down there himself with the summons.

Q. Didn't you tell your son that you had gone down there yourself, and you were told to go home about your business? A. Yes, sir.

Q. Didn't you tell him about what you had done? A. Oh, no, sir; what would I tell him about that for?

Q. I understood you to say you did; I merely want to get at the truth? A. I am telling the truth.

Q. Do you mean to tell this Senate committee, Mr. Boyle, that you are honest when you say you can not remember the name of that official in the bureau of encumbrances? A. I can not remember his name.

Q. Do you mean to say that you are honest that you can not remember his name? A. That is about three times that I ever went there.

Q. Are you honest in your assertion when you say you can not remember the name of the individual in the bureau of encumbrances that you have described? A. I can not remember now.

Q. Will you think of his name by to-morrow morning? A. I may.

Q. Well, we will call upon you to-morrow morning; you are under subpoena yet, and we will call upon you to think of that individual's name, and be here to-morrow morning about half-past 10 o'clock? A. I do not think I can get here.

Q. We will have the Senate committee compel you to be here? A. I can not be here before 11.

Q. Well, we want to accommodate you as much as possible, but the State must be accommodated also; did you ever say, to any person, that a police officer had called upon you and demanded \$8 a month? A. Never in my life; I didn't have any occasion to.

Chairman Lexow.—The question is did you make such a statement?

The Witness.—No, sir.

Q. Never to any individual? A. No, sir.

Q. Did you ever tell any person that you refused against the police demanding money from you for the lease of the sidewalk? A. I never did.

Q. To any person? A. No, sir; never.

Q. Where do you live? A. In Jersey City heights.

Q. And your residence? A. The street number?

Q. Yes? A. No. 102 Beacon avenue.

Q. Now, Mr. Boyle, will you please come here to-morrow morning, and we will see if we can not make the acquaintance of that interesting individual, your friend?

By Chairman Lexow:

Q. We would like to know the name of that man in the bureau of incumbrances, who said to you that you could go home? A. Well, Judge, I suppose he had no charge against me.

Q. Could you find out the name between now and to-morrow and bring the name to us to-morrow?

Senator Bradley.—Go back to your boyhood's days, and see if you can not remember.

Mr. Goff.—We will send a man over with you to identify him.

Chairman Lexow.—The subpoena holds good until to-morrow, you may go.

John M. Searles, being called as a witness on behalf of the State, being duly affirmed, testified as follows:

Direct examination by Mr. Goff:

Mr. Goff.—I suggest an adjournment until to-morrow morning.

Chairman Lexow.— Now, Mr. Goff?

Mr. Goff.— Yes, sir; at this time.

Chairman Lexow.— The balance of the subpoenae stand good until to-morrow morning at 10:30.

Mr. Goff.— Mr. Searles, we will take your examination to-morrow morning.

Adjourned until Wednesday, June 27, 1894, at 10.30 a. m.

Proceedings of the thirty-third meeting of the committee, Wednesday, June 27, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Charles T. Saxton, Edmund O'Connor, Daniel Bradley, Jacob A. Cantor, John W. Goff, W. Travers Jerome and Frank Moss, of counsel for the committee; Rastus S. Ransom, of counsel for the police board.

Mr. Goff.— Mr. Chairman, this witness is a nonresident of the State, and anxious to get away, so I will ask the leniency of the majority of the committee to ask him a few questions.

Samuel B. Archer, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Where do you reside? A. Irvington, N. J.

Q. And your business? A. My business is at present is newspaper publisher; formerly my trade was a pattern maker and machinery builder.

Q. Were you, some few years ago, employed in a New York house here? A. I was.

Q. What house? A. The Liberty Machine Work, 52 and 54 Frankfort street.

Q. Liberty Machine Works, 52 and 54 Frankfort street, in this city? A. Yes, sir.

Q. What is your position there? A. I was superintendent.

Q. While you were in the position there in that firm did you deem it advisable to make application to police headquarters for a license as an engineer? A. I did.

Q. Did you pass the civil service examination? A. I failed in one particular.

Q. You mean one particular — one question? A. Yes; I went to police headquarters.

Q. Just a little louder, Mr. Archer, if you please. A. I went to police headquarters and made application for a stationary engineer's license, and was examined; during the examination I carelessly answered one question, entirely contrary to what I should have answered; when I got back to the office I told the secretary of the company that I had failed to pass, and told him

why I had failed; so the next morning when a policeman — when an officer came down there —

Q. What was there to distinguish this man that you designate as an officer by his dress and uniform? A. Well, his uniform was about the same as a policeman, excepting he was marked "sanitary inspector" on his hat.

Q. Sanitary inspector; yes; proceed? A. And he notified the firm that I had failed to pass, and asked if I was in; it so happened I was out at the time; but they told him I would be back shortly, so he came about a half an hour or so after that, and he came in, and in the meantime I had come in, and he asked to see me; so he told me that under the rules of the department I would not be able to pass an examination again under three or six months, whatever the regulation might have been; but if I should see the chief that makes the necessary measurements, he could arrange it for me to be examined again at once.

Q. What chief did he refer to? A. Well, I suppose he referred to the examining engineer.

Q. Well, if you don't know — he said a chief? A. Well, I said, "I will be willing to give \$5, if you can arrange another examination;" he says, "No; it is not enough;" he says, "If you will make it \$20, I will arrange to have you examined again to-day or to-morrow morning; and so I went in and had a talk with Mr. Van Wyck, the secretary of the company, and we decided that it was not of enough importance for me to have the license to pay that fee, and the consequence was I dismissed the case.

Q. When you say the fee, you mean the \$20 demanded by the police? A. The \$20 demanded by the police; there was a fee of \$5 to be paid the treasurer.

By Chairman Lexow:

Q. That was no part of the \$20 he demanded of you? A. No, sir.

By Senator O'Connor:

Q. When was that \$5 to be paid? A. The \$5 was to be paid when I passed the examination, when the officer brings me the license.

Q. The \$5 was to be paid when you were given the license? A. The \$5 was to be paid when I was to be given the license, and the \$20 was to be paid also when he brought me the license.

Mr. Goff.—The sanitary squad is composed of sanitary officers to look after sanitary affairs?

Senator Cantor.—They are assigned from the police force.

Mr. Goff.— Yes; just the same as the policemen of the steam-boat squad. The sanitary squad gives particular attention to the examination of steam engines, and engineer's licenses; they are supposed to, anyway.

Chairman Lexow.— They apparently did.

Mr. Goff.— Preliminarily, they did.

Q. You had a license for another engineer in your concern at that time? A. Yes, sir; we did.

Q. And you did not consider it of enough importance or value to you to pay \$20 for the purpose of getting another examination? A. No, sir; I did not.

By Senator Saxton:

Q. Did you ever take another examination? A. No, sir; I left the business.

Q. Never made any further application? A. No, sir; I left immediately afterward.

Cross-examination by Mr. Ransom:

Q. One or two questions; you are publishing a newspaper?
A. Yes.

Q. Where? A. Newark, New Jersey.

Q. What is the name of the paper? A. It is called the "Tariff Commission."

Q. Devoted then to the special discussion of economic questions? A. The tariff question; yes, sir.

Q. Are you in favor of the income tax? A. No, sir; I am not.

Q. Neither am I; will you tell me the name, if you learned it, of this police officer? A. I could not do it; I took his number at the time.

Q. Have you got that? A. But I have not got that.

Q. Will you tell me when it was? A. It was—as near as I can remember it was about this season of the year in 1891.

Q. Who was present when you and the officer had the conversation about paying the \$20? A. I don't believe—as near as I remember we were on the stoop; he came outside the office; I told the conversation to Mr. Van Wyck, the secretary of the company, immediately afterward.

Q. I know, you testified of that; I wanted to fix the place; I have no further questions.

By Chairman Lexow:

Q. Did he say where the money was going? A. Yes; he gave me distinctly to understand it was going up further than him.

Q. Did he say how much further? A. I understood it further, to go to the man that made the examination.

By Senator Bradley:

Q. The chief examiner? A. The chief examiner in Mulberry street.

By Chairman Lexow:

Q. Did he say that? A. He didn't say that; no, sir.

Q. What did he say from which you drew that inference?
A. From the fact that he said he would fix it so as to give me another examination.

By Senator Saxton:

Q. Didn't you say you said he would see the chief about it?
A. Words to that effect; yes, sir.

Chairman Lexow.—That is all. The next witness, Mr. Goff.

John M. Searle, recalled as a witness on behalf of the State, testified as follows:

Direct examination by Mr. Goff:

Q. What is your occupation — oh, you have given your name, have you? A. Yes, sir.

Q. And where do you reside, Major? A. Six hundred and thirty-three Hudson street, this city.

Q. I call you "Major," sir, because I have been informed that you hold that rank, or have held that rank in the army? A. Letters patent from Andrew Johnson, of the United States (producing letters patent).

Mr. Ransom.—May I look at it?

Mr. Goff.—Oh, certainly. For meritorious services in the discharge of his duties, signed by Andrew Johnson. John M. Searle.

The Witness.—These are all discharges or permissions (producing a number of papers).

By Chairman Lexow:

Q. Commissioner of what kind, in the army? A. In the army during the war; Senator Robertson and I was in the same regiment in the battle of Bull Run.

By Mr. Goff:

Q. Who do you say was in the same regiment with you? A. Senator Robertson, the Senator of this committee.

Q. He and you served together in the same regiment? A. We left New York the 1st of April, 1861, and came back on the 1st of July, 1871; we came back quicker than we went.

Q. What is it about Senator Robertson? A. I will show you that discharge, if you wish to see it; nothing like keeping vouchers.

By Mr. Ransom:

Q. Do you carry them around with you all the time? A. No; they are in the safe; I would not trust them in anybody else's hands, unless I was very close to them.

By Mr. Goff:

Q. You are pretty careful in keeping papers, are you not? A. Only these.

Q. Only your war records? A. The courthouse could not buy these.

Q. Not even the Tweed courthouse? A. I went to school with him when we were two boys; he was a pretty nice man; if they were all as good as Tweed, I tell you.

Q. Thirtieth of July, 1861? A. Yes; that was the Seventy-first Regiment.

Q. That was the old National Guard? A. The American Guard.

Mr. Ransom.—The Major was discharged about the time I enlisted.

Q. You went out together? A. I was in the war five years and six weeks; I would like to make this statement, that I had the privilege of commanding Fort Sumpter on December 3, 1865, when Lieutenant-General U. S. Grant commanded the United States army, on his southern tour of inspection, visited that post with General Daniel E. Sickles, commanding the Department of the South; I commanded the post and garrison.

By Mr. Ransom:

Q. What post do you now command; I mean what Grand Army post? A. I don't command any Grand Army post.

Q. Do you belong to any? A. I did; I took a transfer of it two weeks ago; I took my transfer two weeks ago.

By Mr. Goff:

Q. The Judge has asked you about commanding a post; aren't you in command of some craft now, some ship? A. I am; she has not been christened yet.

Q. What do you intend to call her? A. The City Navy.

Q. What kind of a craft are you in command of now? A. My grandfather wrote a book of poems called Avenia, and I will call her that.

Q. You will have to ask the city authorities for permission? A. Yes.

Q. The craft you are in command of now is a public bath? A. No. 15.

Q. Foot of Market street, and you are in the bathhouse? A. In charge, most of the time.

Q. I believe, if I am informed correctly, that you bear on your person the scars of conflict on the field? A. Oh, yes, sir.

Mr. Ransom.—Shall we have those in evidence, Mr. Goff?

Mr. Goff.—We will see later.

The Witness.—That has no bearing on this. Mr. Goff, as we are not in Kentucky, please omit titles in the future.

Q. I would like to get a little acquainted with you? A. There is so many called Majors and Colonels that have no right to it, sir.

Q. Now, Major, you seem to be careful about preserving the papers that are of interest to you; have you preserved the papers or letters written to you by Commissioner Sheehan? A. Yes, sir; in cleaning house in May, all of my correspondence, private, was put in bureau drawers, and were cleaned out, and they can not be found.

Q. Well, but they were— A. They may be found later; they may have disappeared.

Q. You did not cause them to disappear? A. Not at all; I wouldn't do any such thing.

Q. And you considered the correspondence of sufficient importance to keep, Major? A. No; I have got a letter that is from Major-General Sanford; I kept that; I was one of the chief aides of the centennial in 1889.

Chairman Lexow.—Just limit yourself to the question.

The Witness.—He wants to know what letter I kept.

Q. Commissioner Sheehan was not a brother in arms with you? A. He could not pass the doctor's examination, on account of his foot; he is lame; born so, I believe.

Q. So it is fair to assume that the correspondence between the commissioner and yourself— A. How?

Q. It is fair to assume that the correspondence between the commissioner and yourself did not relate to marshal duties and records? A. No, no.

Q. It related to municipal matters? A. No; I can not—you see, I received a sabre cut in the head during the war and I have not the most retentive memory in the world.

Q. That is one of the scars I referred to? A. I can not remember the subject matter or explain the tenor of the letters, unless I have them in my hand.

Q. You received a subpoena from this committee last March, did you not? A. I never received a subpoena from this committee; it was left at my house when I was out of the city.

Q. You was the gentleman, Major, that you recognized was required to appear? A. It was not delivered to me.

Q. You are technically correct, and I am technically wrong; as a gentleman you recognized, when the subpoena was left at your house, that this committee desired your presence? A. I did not receive it; I was on a visit to Philadelphia and Camden on business.

Q. But you did not appear before the committee when you returned? A. I did not.

Q. Nor did you communicate to the committee the reason for your nonappearance? A. I don't remember that I did; I may have; but I don't remember.

Q. What did you do with the subpoena, Major? A. I believe that is somewhere around the house; I think I saw it yesterday.

Q. You have been served with another subpoena to appear here? A. Yes, sir; and I appeared at once when it was served personally.

Q. Did you talk with any person about the first subpoena that had been left at your house? A. No, sir.

Q. Didn't show it to any person? A. Oh, yes, I believe I did; I might have shown it to—I believe I showed it to my sister and my nephew, both of my nephews; I may have to some one else; I don't remember.

Q. Now, Major Searles, I regard it almost as an impertinence on my part to even suggest to you that the obligations of an officer and a gentleman, to tell the truth are greater even than the obligation of an oath? A. I think so.

Q. I think so too; and when I ask you, Major, if you showed that subpoena to anyone else but members of your family, will I get anything different from what you have already stated? A. Well, I can't exactly remember; I would not like to state emphatically, because I might be mistaken; I may have shown it or may not.

Q. But now, isn't it a matter of fact, that you showed it to persons who advised you not to come before the committee? A. No, sir; no one could have deterred me from coming here, if I was properly subpoenaed; I could not be deterred from coming here if I was properly subpoenaed.

Q. When you first received the subpoena, or the subpoena was left at your house, for you must pardon me if I try to copy

your military exactitude, when the subpoena was left at your house did you read it afterward? A. I was in Philadelphia when the subpoena was left in my house, and my sister mailed it on to me.

Q. Did you read it in Philadelphia? A. Yes.

Q. Do you remember your subpoena called upon you to produce certain correspondence between yourself and Commissioner Sheehan? A. Yes, sir.

Q. And after you read that subpoena did it refresh your mind as to the nature of the correspondence between yourself and Commissioner Sheehan? A. No; not exactly.

Q. But there had been a correspondence? A. No; I can not say that there had been a correspondence.

Q. Will you say there had not been, Major? A. Yes, sir; there were; just, I believe, one letter.

Q. Only one letter? A. Yes.

Q. What was that letter about, Major? A. Well, it stated — I can't remember; I will say I will try to refresh my memory.

Q. Make an effort? A. Yes; I will make a sturdy effort.

Q. Does the sabre cut in your head interfere with your faculty of memory? A. Yes; it does; the heat of the room is oppressive; I always suffer in the summer time.

Q. The temperature has an appreciable effect upon you, don't it? A. Yes.

Q. I want to be of service to you, Major, if I can? A. I could not tell the tenor of the letter.

Q. Had you written to him and received this letter in response? A. Yes; it was in response to a letter of mine.

Q. Do you remember the subject upon which you wrote to him? A. Oh, I stated this — now, I can refresh my memory — that some years ago there had been messengers detailed at police headquarters, there were none now that I could see on the January 31st issue of the City Record, and that, as I was at the head of the list of the civil service on the classified list as messenger, and had received nearly 99 per cent. — 98 or 99, outside of my having a preference under chapter 119,085, as a soldier — as I was at the top of the list I thought that I should be appointed, and I almost made a demand; I can remember that that was about it; I received an answer stating, that as soon as there was one required, a requisition would be made on the civil service board, and the appointments would be made.

Q. Was that all the correspondence that passed between yourself and Commissioner Sheehan? A. That is all that passed between me and Commissioner Sheehan.

Q. Did the subpoena that you remember ask you to produce any other papers? A. This subpoena?

Q. The first subpoena I am speaking of? A. No; only of some letters in the handwriting of John C. Sheehan, and this was not in the handwriting of John C. Sheehan; it was a type-written letter.

Q. It purported to be signed by John C. Sheehan? A. Yes, sir.

Q. You knew his signature? A. Yes, sir; I have received letters before; I was personally acquainted with him when he was president of the aqueduct commission.

Q. Precisely; now, the subpoena you have received now asked you to produce any letters or papers in your possession? A. Yes, sir.

Q. Having passed between you and Commissioner Sheehan; have you done so? A. I have not got any.

Q. Have you made search? A. I have; a diligent search.

Q. Did you look into every corner you could reasonably find it? A. Every crevice.

Q. You did not look into places you knew you would not find any? A. I am too old to attempt any such sham as that; I am getting too old to waste time, and it is too warm, Mr. Goff.

Q. It was purely accidental, Major; I beg your pardon? A. ——— as they say in French.

Q. Now, Major, I do not want to pursue the ordinary course of examination with you, because my regard for you is too high? A. Mine has always been very lofty to you.

Q. I want to place the letter in your memory direct; did you receive \$100 for destroying the letters in your possession? A. Never in my life.

Q. Did you ever say to any person you did? A. Never in my life.

Q. Did you ever say that you received a hundred dollars not to appear before this committee? A. Never in my life.

Q. You know that man there (indicating)? A. That man came drunk last Monday, on ladies' day, at my bath; I have known him 40 years; I am ashamed to say he is the nephew of John S. McIntyre, the assistant district attorney; I had the officer put him off the dock last week; he came on ladies' day, there, drunk.

Q. You know the commanding officer remains always cool and collected? A. Always; I was astonished that your society would hire such detectives.

Q. Do you know that our society — what society? A. That is what he calls —

Q. What society? A. I told his nephew yesterday.

Q. What society? A. Well, he is with this man Denneft.

Q. What did you say to me "your society" for? A. You are representing a society, evidently.

Q. Representing what society? A. The Society for the Prevention of Crime, isn't it.

Q. How do you know that? A. Well, those who run may read.

Q. Have you ever read anything about it, while you were running? A. Or riding.

Q. What? A. Well, it is generally understood.

Q. Well, if it is generally understood that the cut in your head was received from a brickbat on Thompson street instead of a sabre, as you claim, on the battlefield, would that make it correct? A. Not exactly.

Q. Is it the fact that the wound on your head came from a brickbat instead of a sabre cut? A. The record in the Surgeon-General's office don't say so.

Q. Isn't it a fact? A. In Thompson street?

Q. In Thompson street or Sullivan street; isn't it a fact that the war-scarred veteran received his wound in Thompson street? A. Why, no; why do you ask such superfluous questions, Mr. Goff?

Q. Never mind my superfluous questions; isn't that a fact? A. You know it is not so.

Q. Answer my question; I don't know anything about it. A. I am losing my admiration of you; I always admired you.

Q. I am sorry to hear that; by the way, you say I represent a certain society, Major; you will pardon me if I diverge a little? A. I beg your pardon; it is the Senate committee.

Q. We will resume our former relations of my high regard for you, and your high regard for me? A. Don't mention Thompson or Sullivan street to me; well, Mr. Goff, I am at your service (drinking some water).

Q. Have you had some water? A. Yes.

Q. It is a little unusual, Major? A. What?

Q. It is a little unusual? A. I don't drink so much since I saw him Monday; I have not drank any since.

Q. Were you in the department of public works? A. Yes, sir.

Q. At the time the first subpoena was served at your house? A. No, sir.

Q. Before that time? A. Yes.

Q. And what position did you occupy there, Major? A. Oh, before I—I resigned in—

Q. You resigned? A. In 1889; I was there four years.

Q. You resigned? A. Yes; I was messenger in the chief engineer's office, messenger and clerk; I did clerical work almost entirely.

Q. They did not treat you right there? A. Yes, sir; I got my salary, and when I didn't like it I resigned.

Q. They wanted to impose upon you duties that were not consistent with your dignity? A. I wouldn't let anybody do that.

Q. And you resigned? A. Yes.

Q. For instance, the carrying of sandwiches was inconsistent with your dignity? A. I never carried sandwiches to anybody.

Q. It was intimated to you? A. No.

Q. Was it not requested of you? A. No.

Q. Wasn't that the cause of your resignation? A. Certainly not.

Q. It was ignoble if such a request was made? A. Yes; they would know better than to do it.

Q. Did you ever go around with this subpoena, which was served upon you from this committee, stating to any person that you would go before this committee and tell what you knew unless you were taken care of? A. No; I did not make —

Q. Burnish up your memory?

Chairman Lexow.— Did you say anything practically similar to that?

By Mr. Goff:

Q. Burnish up your memory now, please; the temperature is not hot to-day? A. No; I will tell you what I did state; I said I was at the head of the civil service list, and that the civil service law should be complied with, and that I should be appointed, and if not, I was going to have the Senate investigating committee investigate the civil service bureau; that is all.

Q. And to whom did you say that, Major? A. I don't know; I may have said it to half a dozen.

Q. Name one? A. I can't remember.

Q. Didn't you say to some person in authority — A. To whom, for instance?

Q. Never mind; that does not account, not alongside of you? A. I am glad of that.

Q. Didn't you say it to some person in authority, Major? A. No; I may one day have said it to Senator Robertson; I don't remember.

Q. To any person outside of the Senate committee? A. No; I don't think I did.

Q. You have mentioned half a dozen persons; that is, I suppose a happy measure of calculation? A. Yes.

Q. A gentleman you might meet in the cafe? A. No.

Q. A gentleman you might meet at divine service? A. I go to church every Sunday, but I do not carry subpoenas to church.

Q. You might speak about subpoenas, Major? A. No; I don't think I did.

Q. Where were you in the habit of meeting those gentlemen to whom you spoke, outside of Senator Robertson? A. Well, I don't know; I could not say.

Q. Did you speak to any acquaintances you met? A. I might have.

Q. I scarcely think that is consistent with your character, Major, and your reputation for being a reticent man; I do not think it would conform to it to speak to anyone you would meet? A. What is that?

Q. It would not conform to your character as being a very close, reticent man? A. Well, I might not be close with intimates, but I have very few intimates.

Q. Very few; all true men are in the same position; few friends, and many acquaintances, isn't that the rule? A. I have very few acquaintances.

Q. But these persons to whom you spoke about coming before the Senate committee to inspect the workings of the civil service, don't you remember they had some connection with the committee outside of the Senator, Robertson? A. No.

Q. Did you communicate with the counsel of the committee at that time? A. I think I saw Mr. Grasse; yes, sir.

Q. Did you talk to Mr. Grasse? A. Yes, sir.

Q. How long after you received the subpoena, or the first subpoena was left at your house? A. I was away at the time the subpoena came to my house.

Q. How long after that did you talk to Mr. Grasse? A. Oh, that was before; a week before the subpoena came into my hands.

Q. You spoke to Mr. Grasse before the subpoena was sent to you? A. Yes.

Q. How was it you came to go to Philadelphia from the time you first spoke to Mr. Grasse until the subpoena was left at your house? A. He did not send a subpoena, and I was called to Philadelphia on business.

Q. On what business? A. On business for my sister.

Q. What business? A. My sister owns property.

Q. Where is that property situated? A. It is in Coaches street, between Thirteenth and Fourteenth street.

Q. What did you do when you went on there? A. Went on to pay taxes, and see if there was any taxes on it.

Q. Did you pay any taxes while in Philadelphia? A. The gentleman who is in Philadelphia has the power to pay taxes.

Q. Couldn't he pay the taxes without your going there? A. It is advisable for me to go and see how things are going there, because that will be mine, eventually.

Q. Did you take money with you? A. My fare.

Q. Did you take the money to pay the taxes? A. No; I think I took \$15; my fare was \$4; I remained three weeks.

Q. Weren't you sent to Philadelphia to get you out of the way so you could not have a subpoena served on you? A. No, sir.

Q. Is that true, according to your military honor? A. That is true; every answer I give you is under oath.

Q. I have consideration for the failure of your memory, and am trying to refresh it; that is all, Major. A. Well —

Q. When you returned from Philadelphia you did not go near Mr. Grasse, did you? A. I did not have an occasion.

Q. Well, you told Mr. Grasse you would go before this committee and testify as to the unjust manner in which you had been treated by the civil service committee? A. When they investigated the civil service board.

Q. Didn't you tell him you would come before the committee and testify on that question? A. No.

Q. Why did you go to Mr. Grasse? A. Can I qualify that answer?

Q. If it is incorrect.

Chairman Lexow.— No; answer the question. Why did you go to Mr. Grasse?

The Witness.— Because this committee was supposed to examine one after the other all the different departments.

By Mr. Goff:

Q. They did not get down on the record that? A. All the other different departments.

Q. You came for the purpose of offering yourself as a witness and giving this committee some information? A. Yes; when they commence to examine the civil service board.

Q. You did not specify any time; you were ready at any time? A. When they examined the civil service board.

By Chairman Lexow:

Q. Did you specify any time? A. Yes, sir; I did, when the civil service board was examined.

Q. At any time the civil service board was to be examined? A. Yes.

Q. When the subpoena was left at your house, and your sister mailed it on to Philadelphia, didn't you know the time had arrived for the civil service board to be examined? A. They were not being examined; the police were being examined.

Q. How did you know, when you were in Philadelphia? A. They were not being examined; the police were being examined; don't you suppose I read the papers.

Q. Don't you suppose the counsel for the committee knew better than you? A. If I had an intimation the civil service board would have been examined, when I was away, I would have presented myself at once.

Q. You have gone around since you received this subpoena, haven't you, and shaken it in the faces of officials, and told them that unless they did what was right, that you would come here and testify? A. No, sir; no official has seen it except the policeman and dockman.

Q. You have been placed in that position at the time, as soon as you received that subpoena? A. Yes; now, can I qualify.

Q. Wait a while, Major. Major, "attention?" A. I want you to understand.

Q. Major, "attention?" A. Present, here; all right; go on.

Q. Now, Major, this is serious work? A. So it is; that is the reason I want to qualify that answer.

Q. The time will come for you to qualify or to be accurate; you may have an opportunity to do so? A. Yes; very well.

Q. Will you swear here that you have not gone around threatening that unless you got a position, you would come here before this Senate committee and testify? A. I have not.

Q. To any person living? A. To any person.

Q. You have never uttered those words? A. Never.

Q. Have you ever said to any person that they were forced to give you an appointment, to keep you from coming before this committee? A. Never.

Q. You have received an appointment? A. Now, Counsel, I qualify that.

Chairman Lexow.—Answer that question.

Q. You have received an appointment? A. Yes, sir; I went and took my army discharges, and went to Hollihan, the commissioner of public works, and stated under the recent law passed by the Legislature, and signed by the Governor, I believe it is chapter 177, Senator Lexow, and stated that all soldiers shall have preference for appointments in positions from \$4 without civil service examination; I made the demand for the position and got it on the 15th of this month.

Q. When did you get it? A. On the 15th of June; that is the time I got it.

By Chairman Lexow:

Q. Up to that time you got it, with the civil service examination, the best on the record, you had not been able to receive it?

A. There was no vacancies.

By Mr. Goff:

Q. Were there not enough applications for this bath down here? A. That I don't know; I was only looking out for John M. Searle.

Q. I have no doubt about that, Mr. Searle; on the 15th of June were you not made aware that you would in all probability be called before this committee? A. The 15th of June?

Q. Yes; when you went to Hoolihan? A. No; I did not know until the policeman says that officer was a Parkhurst man, three days ago, and I thought this man, going around here; I knew Dennett; and I have been here a dozen times myself.

Q. You have? A. Yes; and I had seen the Grenadier here, and never forget a face.

Q. When have you been here? A. Oh, all—before the appointment, day after day, day after day.

Q. Your appointment was on the 15th of June? A. Yes; the 15th.

Q. And you attended the sessions of this committee? A. Once in a while.

Q. You said day after day, just now? A. Once in a while.

Q. You said day after day; were you right when you said that? A. I guess not in every day.

Q. We are right now? A. I could not get in every day.

Q. Are you right now when you say you attended every other day? A. Probably; I could not tell; one or two days a week.

Q. You say you could not get in every day, but you came every day and tried to get in? A. No; not every day; I have been out there, and could not get in.

Q. You must have come to the courthouse every day? A. Not every day.

Q. How can you swear you did not get in every day? A. Some days I came and could not get in.

Q. Some days you came and you did get in? A. Yes, sir.

Q. How about the days you did not get there? A. There was no desire of mine to get in.

Q. How can you swear you could not get in, if you did not come to the courthouse; I—don't be reckless about swearing? A. You asked me the days I was not here, see; how did I know I could not get in; I could not tell if I was up town, whether there was a crowd or not.

Q. Haven't you been going around the department and giving it to understand that you would be called on the stand, and if you did not get an appointment you would give something away? A. No; I don't think I ever said it.

Q. If anybody comes on the stand and swears lie did, they would swear to a falsehood? A. I think they represent—

Q. They would perjure themselves? A. Yes, sir; they would perjure themselves.

Q. No matter how many came? A. No matter how many came.

Q. Have you a salary? A. At the rate of \$950 a year; between that and a thousand dollars.

Q. Did you ever see Mr. Grasse after you returned from Philadelphia? A. No.

Q. When did you first go to Mr. Hoolihan for appointment? A. On the 15th.

Q. He is the deputy commimssioner of public works? A. Yes, sir.

Q. And you received your appointment on the 15th? A. Yes, sir.

Q. You mean to say that was the first day you went to seek your appointment? A. That is the first day I ever spoke to Mr. Hoolihan in my life.

Q. Answer my question; do you mean to swear here that was the first time you went to seek that appointment? A. Yes, sir.

Q. From any official? A. Yes, sir; I did not want it.

Q. Why did you go after it? A. Because there was no other; I wanted employment, and there was no other positions on hand, and I ascertained that the baths were going into commission, and half a loaf of bread was better than none.

Q. Why did you say you did not want it? A. I did not want it if I could get anything else; I made a demand.

Q. You took what you could get? A. Yes, sir.

Q. You mean to tell us the first time you went to the department of public works, on the 15th of June, you were appointed immediately on that day? A. I was; yes, sir.

Q. And you never had made an application before? A. Four or five soldiers were talking that day about the law, and says, "Why don't somebody test the case;" I said, "I will test it," the day before, and brought my papers, and laid them before Mr. Hoolihan, and he made the appointment.

Q. Four or five soldiers; give us their names? A. John Phillips, court officer of General Sessions.

Q. Yes, that is one? A. A man of the name of Berger, from Jersey City; Jack Broder, that lives at 145 Sixteenth street.

Q. Yes; anyone else? A. I was trying to think; George Wall, that lives over in Broadway, Williamsburgh; I have not got his address.

Q. Anybody else? A. That is all I remember.

Q. Did you all hold a conference? A. Yes, sir.

Q. On the 13th? A. On the 13th or 14th.

Q. Where did you hold the conference? A. In Byron Cross's Eighth avenue and Thirteenth street.

Q. By appointment? A. No; there had been a Grand Army funeral on that day.

Q. That was the first time it occurred to you to apply for the position of the superintendent of public works? A. Yes, sir.

Q. You reiterate again that you have never spoken — A. No; I did not ask about the baths; I heard about the baths; I said I would like an appointment, and he said, "The best positions are all filled;" I said, "There are some baths not located;" I had read that in the paper, and they were just coming up, and I said I would accept that for the present, and I got it.

Q. Isn't it a fact, Searles, that you have been going around waving this subpoena in the faces of officials and threatening them that unless you got a place you would come and testify; will you try to deny that? A. Yes.

Q. And swear it is absolutely true in that respect? A. It is not true; I never did it.

Q. You never said a word to anyone? A. Never.

Q. Never showed a subpoena to any one for that purpose? A. I told you, I showed the subpoena, not this one; I showed the other one; I showed this one to my sister and the nephew.

Q. And if it was left in your house when you were in Philadelphia, how came you to show it when you came to New York?

A. I did not show it; this subpoena I have got in my pocket I showed to the policeman on the dock, and two of the keepers.

Q. I am speaking of the first subpoena? A. I don't know that I showed it to anybody.

Q. You swore you showed it to your sister? A. Yes; my sister and two nephews.

Q. What need had you to show it to your sister when she sent it to you? A. When I came back.

Q. Why did you bring it back? A. To keep.

Q. As a memento among your other war records? A. Yes.

Chairman Lexow.—Is that all, Mr. Goff?

Mr. Goff.—No, sir; I have got one or two questions.

Q. Do you know that name (showing witness paper)? A. Yes, sir.

Q. Read it, please? A. Let me get my glasses; "James W. Boyle."

Q. Go on and read on? A. "Wholesale oyster dealer, planter of celebrated oysters; depot, foot of Perry street, North river."

Q. What did Boyle give you the \$100 for? A. Mr. Boyle never gave me \$100.

Q. Answer the question, and don't open your mouth that way? A. I have got to open my mouth to answer you.

Q. What did Boyle give you the \$100 for? A. I don't understand.

Q. What did Boyle give you the \$100 for? A. Mr. Boyle never gave me \$100 in his life; Mr. Boyle never gave me \$50; Mr. Boyle never gave me \$20 in his life; Mr. Boyle never gave me any money in his life.

Q. Did you sign — A. But I tell you what I did; I borrowed \$5 off him last week, and he has got my I-O-U for that; and that is the first money I borrowed in my life.

Q. Did you ever receive money before you received that \$5? A. From him; no.

Q. Wait awhile, Major; did you ever receive money from Mr. Boyle before that \$5, directly or indirectly? A. Never.

Q. Did you ever say to any person you did? A. I don't think I ever did.

Q. Are you sure? A. I don't think I did.

Q. Why did you doubt? A. I don't doubt; it satisfies you, and I swear on.

Q. I want you to satisfy your conscience and not satisfy me? A. I will satisfy my conscience.

Q. Your conscience in your head; now, didn't you receive money from him, or through him, in any manner, shape or form after you had been to visit Mr. Grasse here? A. Never.

Q. Did you ever say you did? A. No.

Q. Positively? A. Positively.

Q. You have got no doubt in your mind, have you? A. Not the slightest.

Q. Not the slightest doubt? A. Not the slightest.

Q. And that is just as true as the fact — A. As all the rest.

Q. As all the rest; all right; I did not want to put it that way, Major. A. Because I have told nothing but the truth.

Q. I did not want to put it that way; what has been your business since you laid down your arms, Major? A. Now I have got a diary home that fills the bill; I will bring it down; I am off Friday; I will be here Friday and bring the diary, with all the memorandums. I presume.

Q. And let me have it during the summer recess, for light reading? A. Yes, if it will amuse you.

Q. Is there anything in that diary when you take your water?
A. I never take water; I drink it.

Q. Is there anything in that diary, Major, of your indictment for horse stealing? A. No.

Q. You did not put that down in your diary, did you? A. Oh, now you come to that; now ask the question.

Q. When was that little trifling caper recorded against you, Major? A. Do you know the result?

Q. Oh, no; never mind the result; I want to know about when it was recorded against you? A. Eighteen hundred and eighty-three; I will answer that; it has gone so far now; I want to go on record, Mr. Goff; three gentlemen—

Mr. Ransom.—I call your attention to a ruling you made some time ago.

Q. I beg your pardon, Major; I want to interpose here that while I highly respect and esteem Judge Ransom, my senior at the bar, yet I must ask your forgiveness of a lieutenant trying to address a Major in the tone he addressed to you; will you proceed about the indictment for horse stealing? A. Yes, sir; in 1883 there was four of us had been up all night, and I was then employed at 533 Broadway.

Q. At what business? A. I was a salesman, was superintendent of the store, and at about 9 o'clock we were getting through—6th of the month—and one said, "Let's take a ride in an ice cream wagon;" we took a ride around the block, and when we got back—

Q. What season of the year was that? A. Oh, it was in the summer; it was the straw hat season, I remember; and when we got back the other fellows run away—we were in front of the store—and the policeman arrested me; but the jury did not leave the seats; "Get out, and go home;" Mr. Fellows will tell you.

Q. Might I ask if you have read—no doubt you are a man of broad culture and reading? A. Yes.

Q. If you have read a story of the man confessing to having stolen a rope, and that there was a horse at the end of it? A. Oh, no; this was Fussle's ice cream wagon.

Q. You did not read that story? A. No; I did not read that story; in whose book of fables is it?

Q. I beg your pardon; now, Major, did you have trouble in our criminal courts; did they ever trouble you any with an indictment for horse stealing? A. That was the only time.

Q. I see your discharge is dated there in 1881, and you answered that you were five years and six months in the war? A. Discharge; what discharge; 1861.

Q. Pardon me; and you served five years and six months in the war? A. No; not six months; over five.

Q. You said five years and six months? A. Twentieth of April, 1861, until the 31st of January, 1866.

Q. Pardon me, Major; if I was a military man I would use a military term, but I can not; you said five years and six months? A. Very nearly; I did not say five years and six months.

Q. How long did you serve in the war after the war was finished? A. Nearly a year.

Q. After the war was finished? A. Yes, sir; I commanded Fort Sumter after the fighting was done.

Q. After the fighting was done you commanded Fort Sumter, and the fort was saved? A. I succeeded Anderson.

Cross-examination by Mr. Ransom:

Q. One or two suggestions, Major; will you obey one or two military orders if I issued them now? A. Yes, sir.

Q. Attention; forward, march? A. Well, I—

Q. March. A. Oh. (The witness marches from the stand and is stopped by Mr. Goff.)

Mr. Goff.—Sit down.

Chairman Lexow.—Are there any further questions to be put to the witness?

Mr. Goff.—One more question, after the Judge gets through his military performances.

Mr. Ransom.—I simply proposed, with the chairman's permission, to put an end to the examination of the Major. Now, then, Major.

Mr. Goff.—I won't ask him any questions.

Mr. Ransom.—Route step, file right, march. (The witness left the stand.)

Matthew D. O'Connor, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. You have given your name? A. Yes, sir.

Q. What is your business? A. At present I am out of business.

Q. What was your business? A. My business was railroad business until the 2d of March, 1892, when my resignation was called for, in consequence of action taken against the Tammany Hall last fall, and I was thrown out of the business by a friend, Patrick J. Roach, an Assemblyman.

Q. In what district? A. In the Fourth Assembly district.

By Senator Cantor:

Q. It is a ventilation of political reference? A. No, sir.

Mr. Goff.—You might as well take that in with the ventilation.

Senator Cantor.—With everything else, I suppose.

Mr. Goff.—They are so mixed up it is hard to separate them.

Senator Cantor.—In some minds they are.

Mr. Goff.—The majority think so, I think.

Senator Cantor.—I think not.

By Mr. Goff:

Q. I think the last witness referred to you as a gentleman of Parkhurst, or some society; are you a Parkhurst gentleman, or a gentleman of any society? A. I, sir; I am not, and that is about as true as anything he said to me in relation to me.

Q. Have you ever been connected with Dr. Parkhurst or his society? A. Not in any shape or form.

Q. You knew the last witness, that is, Searles? A. I have known him for over 30 years, sir.

Q. You knew him before his departure for the war? A. Yes, sir.

Q. And since his return? A. Yes, sir.

Q. Have you had any conversation with him touching the service upon him of a subpoena from this committee about the last of February or March? A. No, sir; not the last of February or March.

Q. Well, subsequent to that time?

By Chairman Lexow:

Q. About the service of it at any time?

By Mr. Goff:

Q. About the service of it at any time? A. I had a conversation with the Major on the 13th day of June, in this courtroom, sitting opposite there (indicating); that was the first time I had seen the Major in over four years; he studiously avoided me in consequence of the great wrong he perpetrated against me, I don't care about that, but I saw him on the 13th day of June.

Q. What conversation did you have in connection with this committee or any subpoena having been served? A. He got up and greeted me, and I asked him what he was doing here, and he took the subpoena out of his pocket and, showing it to me quietly, he said, "I have got business here, unless the public works reinstate me in my position;" and I did let him look at it.

Q. That was on the 13th of June? A. That was on the 13th of June; yes, sir.

Q. Day before yesterday? A. No, sir; not the day before yesterday.

Q. I am speaking of the day of the subpoena that brought him here to-day. A. I am speaking of the original subpoena.

Q. The first subpoena? A. The first subpoena; yes, sir.

Q. That subpoena he had in his pocket? A. Yes, sir.

Q. On the 13th of June in this courtroom? A. He showed it to me.

Q. Did you read it? A. I did, sir.

Q. You remember what it said, what it called for, outside of the printed matters? A. For letters and papers received by him from John C. Sheehan, and something of that effect.

Q. Did you have any conversation with him upon that subject? A. I had, sir.

Q. What did he say to you, and what did you say to him? A. He said he had just returned from Philadelphia about three weeks ago, where he had been having a hell of a time on \$100 which Tim Boyle, leader of the Ninth Assembly district, gave him for the purpose of getting away from this committee before they took a recess, and he had just returned from Philadelphia three weeks ago, after having this glorious time.

Q. Received a hundred dollars from Tom Boyle, leader of the Ninth? A. Yes, sir.

Q. Anything further? A. Well, he said he felt pretty sure of being reinstated in the department of public works, and that he had already seen a certain party; that they told him on the morning of the 15th they would place him, undoubtedly, providing he would forget what he intended to testify to before this committee, and also lose those papers, and he said to me at that time, "I will give them the finest jolly they ever got; I will lock those papers up—I have got them in a safe—and keep them there until such a time as they place me where they can not remove me, and then I will go before the committee.

Q. Was that the substance of the conversation you had with the redoubtable Major? A. Yes, sir; almost verbatim.

Q. Had you subsequent conversations with him? A. Yes, sir.

Q. When? A. I happened to mention the circumstances to Mr. Dennett; I met Mr. Dennett, and he requested me to go over to the public works and find out as to whether or not he had been appointed, and I went over and saw the chief clerk, and asked if Major Searles had been appointed on the morning of the 15th, and he told me yes, he had just been appointed that morning, and taken charge of the Market street bath, and Mr. Dennett asked me to accompany him down there to see if the Major would tell the same story as he told me, and that is the way I was drawn into the matter, and happened to get into the matter.

Q. You went down with Mr. Dennett? A. I went down with Dennett; when he says I arrived there day before yesterday in an intoxicated state, I want to say I have not drank a drop of liquor in four months; he said the policeman put me off the dock, and I wish you would subpoena the policeman, so he can tell whether that is so or not; the Major is crazy; he told Mr. Dennett and myself if the committee pressed him too far he would bring 50 people to swear the saber cut made him crazy, and that is the reason he could not testify to what he would like to testify to now.

Q. Now we will leave the Major. A. Thank you, sir.

Q. We will leave the Major; I want to ask you matters of your own business; what company were you engaged in as employe in any capacity in New York? A. Last time, sir?

Q. Yes. A. In New York, New Haven and Hartford Railroad Company.

Q. Before that? A. With the Monarch Steamship Company.

Q. What position did you hold on the Monarch Line? A. General manager of the passenger department.

Q. Where was its office? A. Thirty-five Broadway, New York city.

Q. How many years were you there? A. Five years.

Q. You were there until the company closed up its passenger business? A. Yes, sir; until it closed up its line of steamers to the Wilson line.

Q. That company ran to London, didn't it? A. Between New York and London; yes, sir.

Q. You had control of the issuing and sale of passenger tickets, didn't you? A. Absolute control; yes, sir.

Q. In the discharge of your duties as passenger agent and manager of that company, did you have any relations with policemen? A. Only in so far as paying commission.

Mr. Ransom.—When was this?

Mr. Goff.—I will fix the time now, Judge.

Q. What years were those in which you occupied this position? A. I believe from 1882 or 1883 until almost 1888—until the commencement of 1888; the latter part of 1887.

Q. That is, you were with the Monarch Line? A. Yes, sir.

Q. During that time you say you paid commissions to policemen? A. And others; yes.

Q. I don't care about the others; was that the general thing? A. Yes, sir.

Q. Did you employ these policemen; just state to the committee how it came you paid the policemen commissions? A. For instance, whenever a party, we will say, for instance, wanted to

go to London, he would meet a policeman on the block, or met one of the licensed runners, as we call them, licensed passenger pickers, might ask for a certain steamship company, for instance, the White Star Line, and the policeman or runner would say, "Where do you want to go, to London or Liverpool, if you please; why do you want to go by the White Star Line; I can take you to the Monarch Line, that will sell you a ticket for less money and a better line," and all that; they would bring the passenger in and say, "There is a passenger who wants to go to London or Liverpool," as the case might be, and, after selling the berth, etc., and taking and commencing the delivery on the ticket, the passenger would go out with the information, all that was necessary, and the policeman would come in afterward and say, "I would like to have my commission on that ticket;" if it was a cabin ticket he would get \$7.50 or \$8, and if it was a steerage, he would draw \$3 on a prepaid ticket, or \$2 on an outward ticket, which was \$1 more than other lines were paying, on account of their line being in the conference together, and we were the only opposition line, and in that way the policemen favored our line, because they could get more commission than they could at the other lines.

By Senator Saxton:

Q. What was the amount received for the ticket upon which there was a commission of \$7.50? A. It would altogether depend upon the location of the berth.

Q. And the percentage? A. The percentage was 7 1-2 per cent.

Q. Seven and one-half per cent.? A. Yes, sir.

By Chairman Lexow:

Q. The \$100 ticket would bring \$7.50 commission? A. Yes, sir.

By Mr. Goff:

Q. Do you recall the names of any of the policemen to whom you paid commissions? A. Yes, sir; I remember I paid Sergeant Lewis, who is ex-sergeant now; he has retired.

Q. Was he sergeant then? A. He was sergeant then, of the Broadway squad.

Q. Sergeant of the Broadway squad? A. Yes, sir; I also paid to Officer Murphy; he has also retired.

Q. Where is he, do you know? A. He is special officer now in the Stock Exchange, at present, in Broad street.

Q. At the present time? A. Yes, sir; I may have paid to the roundsman who — I can not remember his name.

Q. Those three officers that you have described, do they know of each other's collecting of commissions? A. They made a pool of it.

Q. They made a pool? A. They made a pool; if the sergeant was away and Murphy booked the man, or if the roundsman was away and the sergeant booked a man, they would split up the pool.

Q. How do you know they made the pool? A. They told me so; I was to hold the money for them at times.

Q. They would inquire from you, I presume, how many tickets had been sold? A. Yes, sir; very often.

Q. Do you know from your knowledge of the business of other passenger lines that they paid a commission? A. Yes, sir; it was a common occurrence, sir.

Q. Generally understood and practised? A. Always understood and practised while I was in the business.

By Senator Saxton:

Q. Can you give any sort of an idea how much these gentlemen received for commissions in the course of a month or — A. I should judge, making a rough estimate, that I paid out to that pool as high as \$100 a month, an average of \$100 a month during the season.

Q. You think that would be the average during the season; you mean the summer season? A. I think so.

By Chairman Lexow:

Q. That was only one company? A. That was only one company.

Q. Did others pay in proportion or any larger proportion? A. No, sir; they paid in less proportion; they paid \$2 or \$3 and I was paying \$4.

By Mr. Goff:

Q. After you left the Monarch Line, what position did you next occupy with any company? A. I went into the express business, in the Metropolitan express; a local express.

Q. And after you went with the Metropolitan express, where did you go then? A. Then there was an interval there, where I undertook to go into the sand business in Flushing, and then shortly afterward I took the position with the New York, New Haven and Hartford Railroad Company.

Q. Come down to that; what period did you take the position with the New York, New Haven and Hartford Railroad Company, about? A. About 1891.

Q. How long did you keep the position with that company?
A. Three years.

Q. What was the nature of your position? A. Well, I first took the position of receiving clerk, and in the course of a few months I became general foreman, and I went through the grades.

Q. Where was your place of business? A. Foot of Montgomery street, pier 3, East river, New York.

Q. Was it from that position you were driven on account of political troubles up there, that you told the committee about at the commencement of your testimony? A. Yes, sir.

Q. That was the cause of your being sent away from that position? A. Yes, sir.

Q. Now, while in that position, did you ever have any connection with the police officer on duty there? A. More or less; yes, sir.

Q. There was, I presume, always a policeman on duty? A. Yes, sir.

Q. Do you know of the company paying him anything? A. I know the company did not pay him anything, sir.

Q. Do you know, did he demand anything from the company? A. In so far as this: There was one of the officers came to me shortly after I became the general foreman and asked me to use my influence with the agent and see if he could not be put on the pay-roll; I told him I did not think there was any use, for our agent was a very strict man, and did not approve of any such business; and he said he thought I had influence enough, if I tried to use it, to overcome the agent's scruples; and I said I would do it, and I went to the agent, and he refused.

Q. What is the name of the agent — Mr. Bolander? A. Yes, sir.

Q. He is in court? A. Yes, sir.

Q. What did Mr. Bolander say? A. He gave me to understand he was not going to do any such business, and if I remember correctly, he said some of them had approached him before on the matter, and he did not intend to do it, and when I said I thought we might get a little better service, he said he would have them removed, then, that is all; he did not propose to pay anything.

Q. Did this policeman suggest to you a method in which to get him on the books of the company? A. No more than using my influence.

Q. Didn't he say something about getting him under a false name? A. He said it could be arranged that way; that his name need not appear on the pay-roll, that it could appear in ostensibly the name of a laborer, one of the laborers on the dock; he was looking for about \$10.50 a week.

Q. Did he give you any name that you might put on the payroll representing him? A. I think he—I would not be quite sure about that, but my impression is that he said I could use the name of Terry McGinnis, or any other name.

Q. What is that officer's name? A. Officer Judd.

Q. He has been in court? A. He was here; yes, sir,

By Senator O'Connor:

Q. Did he say anything about the amount he wanted to receive; did he say \$10.50? A. Yes; he said he wanted to get on for about \$40 a month.

Q. Forty dollars a month? A. Yes; the regular pay is 17 1-2 cents an hour for 10 hours; that makes it \$10.50 a week.

Q. He wanted to go on for laborer's pay? A. Yes, sir.

By Mr. Goff:

Q. It is proper to say Officer Judd has been here, and I wanted him to be here when this testimony was given; but there was an interesting occurrence in his family to-day, and he asked me to let him go away, and I thought, under the circumstances, I was justified in giving him my consent to go; you know Judd very well? A. Yes; very well.

By Chairman Lexow:

Q. Was he to get all the money? A. Well, no; not as he explained it to me; he said it was received of all the parties, meaning the police on the river, to get something; that the old man was looking for it.

Q. Did he say who the old man was? A. No, sir; but I presume—

Q. That the old man was looking for it? A. Yes, sir.

Q. Did he say how much he would have to give up to the old man? A. He did not, sir.

By Mr. Goff:

Q. Had you more conversations with him than one? A. Yes, sir; I told him the result of my interview with the agent, and he seemed to be very much displeased at the action of the agent, and denounced him in pretty severe terms.

Q. Swear at him? A. Not at the agent.

Q. Did he say anything at the time you told him what Mr. Bolander had determined upon; did he say anything to you about what the other corporations were doing on the river front? A.

He said we were the only dock along the river that was not paying.

Q. That you were the only dock? A. That we were the only dock, and it was a mean thing of Mr. Bolander not to do the same thing as the other agents were doing.

Q. Did you know that Judd was receiving any money there from any source outside of his salary as policeman? A. I don't know positively, sir.

Q. Let me see what of your knowledge is positive; was there something paid for ships for docking purposes there? A. So I have understood; yes, sir.

Mr. Ransom.—I don't think we ought to take that, unless it is personal knowledge.

Chairman Lexow.—We don't know yet to what extent his knowledge goes.

Mr. Ransom.—That is why I intervened.

The Witness.—I don't know positively.

Q. Do you know anything? A. I don't know positively; not practically.

By Senator Saxton:

Q. Do you know anything from any member of the force in regard to it? A. From any member of the force?

By Chairman Lexow:

Q. Yes; did he or any other member of the force make any statement of that kind? A. About receiving money for docking ships there?

Q. Yes. A. No.

By Mr. Goff:

Q. Or receiving money from companies, or shipping agents, or anything of that kind? A. There was a case of Mr. Murtha, when he was there; he was on our dock, and suddenly he was taken away; one day he came back, and I asked him what was the trouble, what was the reason he was taken away; all he said was he was very sorry to go away, but that he was compelled to go away; I wouldn't be positive now whether he said the captain or sergeant put him down on a dock where there was some money.

Q. What dock was that—37? A. Yes, sir.

Q. Pier 37? A. Yes, sir.

Q. What officer was that? A. Officer Murtha.

Q. Is Officer Murtha in court? A. Yes, sir; he is there.

Q. Is that the officer? A. Yes, sir.

Q. What squad does he belong to? A. The steamboat squad.

Q. And he said that the captain insisted upon putting him —
A. Either the captain or sergeant.

Q. Insisted upon putting him on a dock where there was some money? A. Yes, sir.

By Chairman Lexow:

Q. Did this officer, Judd, make any threats at the time the money was refused? A. He said Mr. Bolander could not expect a hell of a sight of duty out of him, if he was going to keep officers around there doing duty for him, and keep in order on his dock, unless he could be as liberal as other agents on the river.

By Senator Saxton:

Q. What did the officer do for the company? A. To tell the truth, he did not do much of anything.

Q. Were they supposed to do anything for the company outside of his general duty? A. No, sir.

By Mr. Goff:

Q. Did Officer Judd, following up the line of inquiry of the Senators, did he say anything as to how he would get square; how he would avoid any services whatever to the company? A. He would go hide himself away on pier 49, and stay there.

By Chairman Lexow:

Q. He said that? A. Oh, yes.

By Mr. Goff:

Q. What number was your pier? A. We had 49, 50, 51 and 52; 49 was not used very much; it was used for ships.

Q. But 50, 51 and 52 were the piers used for your freight business? A. Yes, sir.

Q. Forty-nine was not used much? A. Sometimes; not very often.

Q. When he said he would go away and hide himself on pier 49, was that the pier not occupied very much? A. It was not occupied very much; no, sir.

Q. What were his duties, so far as you saw him performing them? A. Well, walking up and down the dock.

Q. Keeping the truckmen in line? A. No; he never kept any truckmen in line.

Q. He kept no truckmen in line? A. There wasn't any of them kept them in line, because there wasn't any of them paid; the result was that we had to put men outside to keep the street clear, outside of our pier; we were bothered by having a crush of carts in the time of day when the rush of business would come; we were obliged to put our own men out there to form a line on the street; the officers would not do it.

Q. That was after they had been refused special payment by the company? A. That is it; yes, sir.

By Chairman Lexow:

Q. Did this officer, Judd, say anything about where the other money that was being collected from other piers went? A. Not to me; no, sir.

Q. Do you remember seeing an officer of the name of Bradshaw there, ever calling upon him at any time to keep order among the truckmen, or do something? A. No; Bradshaw belonged on the North river; at one time he was a very old friend of mine, and I thought I would like to have him transferred over there, and thought we would get better service from him, but there is nothing in Bradshaw.

Q. Do you remember asking some police officer to go over and try to disentangle the trucks and keep them in order? A. I asked a lot of them.

Q. What replies did you receive? A. They were doing the best they could, and the company was not regulating the business right, and if they did regulate their business right we would not have that trouble.

Q. Was anything said to you by that officer when you called upon him to the effect that the company were mean or nig-gardly, and did not treat the policemen right and could not expect anything done? A. Yes; Officers Schmitt and Judd also told me that.

Q. Is Officer Schmitt in court? A. Yes, sir.

Q. Is that the officer? A. Yes, sir.

Q. What did Officer Schmitt tell you? A. He just gave me to understand he would not go out to keep the line in order, as it was not paying; he was not getting anything.

Q. And Officer Judd told you the same thing? A. About the same thing; yes, sir.

Q. Well, now, when you were talking to Murtha, and he was telling you about his desire to get on the pay-rolls of the company, did he say anything to you about the people at pier 1

wanting some money? A. Officer Murtha never asked me to pay him any.

Q. It was Judd? A. Yes; Officer Murtha never asked for anything.

Q. Judd, you mean? A. Yes, sir.

Mr. Goff.—Please change, Mr. Stenographer, Murtha to Judd. Was anything ever said to you by any of the officers that spoke to you down at pier 1 about wanting money? A. Judd mentioned the old man; I could only infer from that that he wanted the officers at the places where they were paying; on another occasion I had occasion to go on South street, and I met Officer Schmitt at pier 35, talking to an officer of the name of Walsh; Officer Schmitt greeted me, and passed the time of day, and asked me what I was doing, etc., and I told him what my troubles were; I said, "What are you doing;" he says, "I am following up this contractor, this Quinn, that is paving South street;" "What are you following him up for;" he said the captain told him to look pretty sharp after him, he ain't paying nothing; I said, "What do you mean;" he said, "You know;" I said, "Have you seen any of the color of his green yet;" he said, "No, I will to-night, because I am driving him pretty damned hot."

Q. When was that? A. On June 8th.

Q. June 8th of this year? A. Yes.

Q. Now, let me call your attention to the officer that went down to the tea ships, pier 37; what is his name? A. Murtha.

Q. After he went down to pier 37 did you see him, or have any conversation with him? A. Only the time he came up from there to see me at the dock; called at the dock.

Q. What was that about? A. That was the conversation that took place then, that he had gone down there.

Chairman Lexow.—He had been up on the other dock, because there was no money on that dock.

Mr. Goff.—Oh, yes.

By Chairman Lexow:

Q. Did he say how much money there was on the other dock? A. No, sir; he did not.

Q. Did he say he collected money there at all? A. Oh, yes; well, he had not so far; he had not got it, but intended to get it.

Q. He didn't say how much? A. No, sir.

Q. Did he say where that money was going? A. No, sir; he did not.

Q. But did I understand you the sergeant had transferred him? A. The sergeant or captain had transferred him for that purpose.

Q. To collect the money there? A. Yes.

By Mr. Goff:

Q. I do not know but you have had considerable experience on the docks; did you ever hear of the envelope gang? A. You mean a gang of gamblers.

Q. No; among the policemen; a number of policemen called an envelope gang? A. Only from what I have heard in court here.

Q. You have no personal knowledge? A. No, sir.

Q. By the way, speaking of Officer Schmidt here, he is the same officer that was identified by the musician here yesterday, the same man? A. Yes, sir.

Q. You knew him quite a while? A. About four years.

Q. Did you ever see him in Brooklyn? A. No, sir; I never saw him in Brooklyn; I heard of him being in Brooklyn.

Q. Were you ever in a police court in Brooklyn where you saw him? A. No, sir; but he told me a story himself about being in a police court in Brooklyn.

Q. What story did he tell you? A. He told me that a stevedore and a woman and himself were—he was in full uniform—were found in Brooklyn one morning at 2 o'clock, and they were all on a jamboree, and he got in trouble with some Brooklyn sergeant, and they arrested a whole lot of them, and that he was afterward bailed out and brought back to the court and fined \$1, which fine was remitted afterward, and the same day I had that conversation with him about that trouble, and I asked him how he got out of it; well, he said, he had had his trial, but had never heard of it since.

Q. Trial where? A. At headquarters; that that happened in February; I said, "Isn't it strange that you have never heard a decision rendered in your case;" he says, "I don't think I ever will hear of any, because if a man has the dust, and knows where to put it, he can generally fix cases of that kind, and I don't think I will ever hear of it again.

Q. That was last February, his trial? A. Yes; his arrest.

Q. When did this conversation take place? A. On June 8th.

Q. Of this year? A. Yes, sir.

By Chairman Lexow:

Q. Did he say that he had the dust and had known where to put it? A. Yes, sir.

Q. Did he make that direct and positive statement that he had the dust and had known where to put it? A. Yes, sir; I asked him; I said, "How did you fix that;" well, he says, "When a man

has got the dust and knows where to put it, he can fix most anything;" that was the words he used.

Q. But he did not say positively that in this particular case he had the dust and had put it in some place where it would do good? A. No, sir.

Q. You drew the inference? A. He simply said he had not heard from it since; he had not heard from it since he used this dust, he meant.

By Mr. Goff:

Q. Was there any sum mentioned? A. No, sir; there was not. Chairman Lexow.—Any questions, Judge?

Cross-examination by Mr. Ransom:

Q. I don't recollect your last answer to the chairman; I did not hear what you said; something about a conversation, as I understood it, between you and Schmidt, the officer, about a jamberee he had in Brooklyn? A. Yes, sir.

Q. Was that the subject of inquiry? A. Yes, sir.

Q. What was it you told the chairman about his saying he had the dust? A. No, sir; he did not say.

Chairman Lexow.—Impersonally he said it; not directly.

The Witness.—Exactly.

Q. I have had the natural curiosity of an examining lawyer to get the witness to testify again, if he could, what he said to you?

A. I will say it now.

Q. No; it is unnecessary, because the testimony has been repeated by the Senator; how long had you been acquainted with Mr. Dennett? A. I have been acquainted with Mr. Dennett since the 4th day of June, sir.

Q. This year? A. Yes, sir.

Q. How did you happen to give him the full account of all your experience and conversations you have had with these two officers? A. For this reason; that when my case was written up in the World about the persecution that I had received, Mr. Dennett took interest enough in me to come to my house.

Q. Then you took interest enough in Dennett to give a full account of all your grievances? A. A full account, to help him in his business.

Q. Your idea was to get even for the way you had been treated? A. Not exactly that.

Q. What was the purpose and object of giving him the information? A. The simple one that one good turn deserves another.

Q. What good turn did he give you? A. He came to my house and aided me in my distress.

Q. What do you mean? A. He helped me out for the time being; he gave me \$5, when he found me and my family in distress.

Q. Did he pay you the \$5 before you gave him the information?

A. Yes; on the night of the 4th of June, on Sunday night.

Q. Did you give him any information at the time you got the \$5? A. Nothing more than in the papers, in the World.

Q. Did you say anything to him before he gave the \$5 that you have testified to here? A. Not a solitary word.

Q. After he gave you the \$5 you opened your heart and told him all? A. I did not tell him all.

Q. You did not tell him all you knew? A. Yes.

Q. Was the \$5 an incentive? A. I would have told him the same.

Q. When you said the good turn he had done was the giving of \$5? A. No, sir; the giving of the story to him was a matter of justice.

Q. Didn't you say the good turn he gave you was helping you in your distress? A. Yes, sir; I meant from the fact of him coming to see me and taking interest enough in me to come and see me; I hadn't any idea he would give me \$5, and did not propose to sell any information for \$5.

Q. After you got the \$5 he got the information? A. I met him again a few days afterward; if he had not given me the \$5 he would have got the information.

Q. He would have got it so as to get even with somebody who had done you a bad turn? A. I took it that his coming was a good turn.

Q. The \$5 had no possible influence on you? A. None whatever.

Q. You have not testified to that in substance? A. Sir?

Q. Haven't you already testified in substance that was the reason, the good turn, that he accommodated you with money?

A. I said that, and his coming to see me.

Q. That is the fact? A. Yes.

Q. When you saw him and he gave you the \$5, did you know he was the agent of the Society for the Suppression of Crime?

A. He introduced himself that way when he came to my house.

Q. And asked you for any information you had? A. He only asked me if these statements in the paper were correct, and what part was not correct, and I explained what was correct and what was not.

Q. And he gave you the \$5? A. Not then; not until he was going away.

Q. Has he given you any money since? A. No, sir; I have not asked him.

Q. Do you think he would if you should ask him? A. I don't know; he might; he is a good-hearted man.

Q. Did you understand from him the \$5 he gave you was his own money? A. I did.

Q. Did he tell you that? A. No, sir; I presume it was; I did not know he had any person's money to give away.

Q. You knew, when you had the conversation, that he was an agent of the society? A. He introduced himself that way when he came in.

Q. You knew when you gave him the information that he intended to use that information in this investigation, didn't you? A. I did not know, sir; I did not know whether he would or would not.

Q. Did you understand from him he wanted the information to use? A. I don't remember that he said so.

Q. Will you swear you did not know at that time that this information was to be used by him? A. I will swear I did not know it would be.

Q. You didn't hear that from him? A. Not at that time; no, sir.

Q. When did you first hear it? A. A while afterward.

Q. Didn't you hear from him at that time, that you were to be called as a witness to testify before this committee? A. No, sir.

Q. When did you first hear you were to come here as a witness? A. About a week ago.

Q. From whom did you hear it? A. From Mr. Dennett.

Q. Had you seen Mr. Dennett between the first interview and the week ago interview? A. Oh, yes; several times.

Q. He kept after you? A. Sir?

Q. He kept after you? A. No; we met occasionally, and I had nothing else to do, and I came here occasionally.

Q. Did you report to Dennett when he hunted you up? A. There was no hunting up or reporting on either side; we kept in touch together.

Q. You are an old friend, also, as I understand your testimony, of Major Searles? A. Well, if you want to term it a friend, all right.

Q. I don't want to term it; I want the fact; I am not asking idle questions; I understood from your evidence that at some time or other in your life you and Searles had been friends? A. Yes, sir.

Q. Now, when was it that you and Searles were friends? A. In our boyhood days.

Q. Never since? A. After — well, we had not met very often, only at long intervals; and Searles happened to act in a way that I did not consider was very friendly, and I let him go.

Q. There was some intimacy between you and Searles up to the time he acted in some way that offended you? A. Whenever we met.

Q. You were on friendly terms from boyhood? A. We always were on friendly terms together.

Q. You had social pleasures, sometimes, with him? A. I don't remember if I ever was out with the Major, unless taking him riding once in a while.

Q. When was it you and he quarreled; when he did something you did not like? A. That is about four years ago.

Q. Have your relations since that time been friendly? A. I never met him since.

Q. Never? A. No, sir.

Q. When did you see him next after the four years? A. On the 13th of June, in this courthouse.

Q. When you went down to the dock? A. No, sir; on the 13th of June, in this courthouse.

Q. What induced you to go down and act as an informer upon your old friend Searles, when you went to the dock; what induced you to do it? A. If you want to term it as informer, I accept that; I think the end will justify the means; if I can do anything to knock Tammany Hall out, I will do anything that is honorable and upright, and if you call it acting as an informer, I will call it an informer.

Q. How long have you entertained this bitter feeling against Tammany Hall; how many months? A. Oh, it reaches in the years, sir.

Q. How long has it been since you were, as you say, dismissed from your employment by political influence? A. How long since?

Q. Yes. A. Since the 2d of March.

Q. This year? A. Yes.

Q. Up to the 2d of March of this year you had a friendly feeling to Tammany Hall, didn't you? A. No; if I had I would not have got out on the stump last fall to speak against it.

Q. When you got out on the stump and spoke against the organization, you were at that time holding a place which you had procured through the influence of some friends in Tammany Hall? A. No, sir; the agent of the company is right here and he will tell you I never asked for a political favor from any man in New York; I work for my position on my merits.

Q. Were you ever placed in a position by Tammany Hall? A. No, sir, I never was; thank God.

Q. Never was? A. No, sir.

By Senator Cantor:

Q. Are you a Republican in politics? A. No, sir; I am a Democrat.

Q. Belong to the same organization as Mr. Goff? A. I don't belong to any organization, Senator, I am a Democrat.

By Mr. Ransom:

Q. Won't you define what you understand to be the meaning of the word? A. Of a Democrat?

Q. Yes. A. Yes.

(Objected to. Excluded.)

By Senator Bradley:

Q. You and I understand each other? A. Yes, Senator, I am about your politics, I think.

Senator O'Connor.—What objection is there to letting him define it?

Mr. Goff.—If that definition be permitted of a Democrat, we open the door for the definition of Republican. and the definition of what a Tammany man is, and no man can answer that; therefore, I do not see the materiality of it.

Senator Cantor.—I do not know about that; you can answer that to some extent.

Chairman Lexow.—We have already excluded similar questions, and therefore that is excluded.

By Mr. Ransom:

Q. Mr. O'Connor, you were discharged from your place at pier 50, were you? A. No, sir; I was not discharged.

Q. I understood you to say you were discharged? A. No, sir; I was not discharged: I was worked out of my place; if you will let me explain?

Q. I will let you answer my question? A. Well, I was not discharged; no, sir.

Q. You were not discharged? A. No, sir; I was not discharged.

Q. You left there? A. Yes, sir.

Q. Did you resign? A. To a certain extent, yes.

Q. In writing? A. No, sir; I did formally once before; I put in a written resignation.

Q. When you left pier 50, did you resign? A. Yes, sir.

Q. To whom did you tender your resignation? A. I had a conversation with Mr. Bolander, and it was there and then determined I should go to the office and draw my time and my money.

Q. You mean it was there and then determined you should cease being an employe of that company? A. Yes.

Q. Was that upon your motion, your resigning, or were you told by Mr. Bolander in substance that your services was no longer required? A. No, sir.

Q. Which was it? A. It was on the motion to go to the office and get my money; Mr. Bolander told me I could do as I pleased about it.

Q. You mean to swear you left the employ of this company voluntarily? A. Yes, sir.

Q. You were not required by the company to go from it or any of its officers? A. No, sir; not at that time.

Q. Why do you say at that time? A. You put it in a different way, so I can not make it plain to this committee to show how I was thrown out of that.

Q. You can make anything plain to the committee; I do not intend to wind you up, and can not if I would? A. I guess you could.

Q. I meant to treat you fairly? A. I believe so, and I want to do everything in my power to help you on.

Q. Will you help me along by saying now; you are a very intelligent gentleman? A. Thank you.

Q. Did you, or did you not, when you left the employ of this company at pier 51, resign your position, give it up of your own motion, or were you compelled to do so by the officers of the company or anyone else? A. I was compelled, to do so by the actions of the officers of the company, can I put it that way?

Q. Well, then your going away was equivalent to a discharge? A. Yes; under those circumstances; I will say yes.

Q. I understand you, and I think the committee do? A. I was simply forced out, that is how; now, Judge, if you will qualify that "discharged" when a man is forced out.

Q. Now, let us see; I think we are wasting time? A. I want to put myself in a right position; that is all.

Q. If an employer forces his servant out of his employ, isn't that a discharge in your judgment? A. To a certain extent; yes.

Q. Now, will you say to the committee why it was or what you heard from the officers as the reason for your discharge; I want to give you that opportunity? A. Yes, sir; thank you; after Mr. Bolander and myself had our talk and we agreed upon my going to the office for the purpose of my drawing my money; I had a private talk with Mr. Bolander in his office afterward; and he said he was very sorry we were going to part, that I was the best dockmaster he ever seen on any dock, and he was

sorry to part with me; I said I was sorry to part with him also; he said you would not so far as I am concerned, only this order came from headquarters because of the action you took against Tammany Hall last fall in your talk against Roche, or Assemblyman Roche, as he cautioned me not to act as I had acted; and I said under those circumstances, I said good-day and left him there.

By Chairman Lexow:

Q. The instructions from headquarters? A. Yes, sir; Mr. Roche had looked after my scalp.

Q. Did he say what headquarters? A. I took it the headquarters of my company.

By Mr. Ransom:

Q. You did mean the headquarters of the company? A. Yes, sir.

Q. He did not tell you what superior officer had mentioned your dismissal? A. No, sir.

By Senator O'Connor:

Q. Then witness, you were practically discharged from the employ of this company, because you saw fit to exercise the right of an American citizen to oppose the nomination of Tammany Hall? A. Yes, sir.

Q. To what extent are these docks down here under that kind of control? A. Under the control of Tammany Hall you mean? To the extent that the employes can not exercise their rights of American citizenship?

Mr. Ransom.—I wish to suggest this witness be instructed he must testify to personal knowledge, not to gossip or inference.

Q. What do you know about it, and to what extent these owners of piers, these men who enjoy the privilege from the city, here, coerced employes to support Tammany Hall, or any other political organization?

By Chairman Lexow:

Q. Do you know anything about that, aside from your own personal experience? A. Speaking of my officers—

Senator Cantor.—This may be very interesting, indeed, from this witness, but what possible connection that has to the investigation of the police department is a mystery to me. If you

want to examine Tammany Hall, do so. You have been accused of being an ally of Tammany Hall for a long time.

Senator O'Connor.—It is charged that these policemen are assigned to work for the dock department, on these piers, and frequent steamships, and they make the man, and there seems to be a pretty close connection between this police department and the keepers of these piers; and the connection seems to go further when their employes see fit to oppose the nominations of the Tammany nominees. I think it is pertinent to the inquiry.

Senator Cantor.—It may be for a political investigation. I object to the question.

The Chairman.—The objection is overruled.

Senator Cantor.—This is where the first politics come into the investigation.

Mr. Ransom.—I suppose he must testify as to personal knowledge.

Chairman Lexow.—The only reason I can assume for the propriety of this question is, that I assume the police department is under the political organization which is in ascendancy in this city.

Mr. Ransom.—That is a violent assumption.

Chairman Lexow.—And if that is the case, and the organization uses its influence for the purpose of coercing the employes of the docks, it is proper evidence before this committee.

Mr. Goff.—And, further, Mr. Senator, that, sticking to the strict rules of evidence, the learned Judge has brought out this line of examination mainly. He has opened the gate to it, and I did not.

Senator Cantor.—I object to it, as he formed it.

Mr. Goff.—Precisely, Senator, and your objection has been overruled.

Senator Cantor.—Now, it begins to assume the character of a political investigation. I knew it would prove that when we commenced our labors.

Mr. Goff.—Pardon me. The counsel for the committee has been scrupulously careful.

Senator Cantor.—I do not mean to criticise you. I meant my colleague on the bench. The only criticism is you can not draw a distinction between any organization in the city and Tammany Hall. As to my colleague here, he is the one that is pursuing this as a political examination, to which I object; which my political chairman overruled.

Chairman Lexow.—I would like to know from Senator Cantor whether he wants to make a technical objection on a question of this kind; whether it is true that people in the employ of the

city docks here are coerced by Tammany Hall, does he want to make a technical objection to prevent us from taking the testimony.

Senator Cantor.—I assume the objection was taken on technical grounds, altogether. I say I have no objection on technical grounds. This committee is sitting here to investigate the police department of the city of New York, and the excise department and the police court. Any matters attacking these departments are legitimate subjects of inquiry, and I would not exclude anything directly concerning the question of corruption in any department. I would not exclude it. I invite it. And there is another committee appointed, with power to examine the election authorities in the city of New York, with which this committee has no concern; and I say that when it descends at this time to a political inquiry as to the methods of the Tammany Hall organization in the city of New York, or upon men in their employ, it does not come within the scope of this inquiry; and, Mr. Chairman and associates of this committee, you know it. If there has been a desire to examine all the departments in New York, or the power exercised by Tammany Hall over the employees of public or private corporations, the resolution would have been far more general in its terms than it is; but the Senators know what the Senate did when it adopted this resolution: It was restricted to the subject which I have suggested. Now, I say if you are going to make political capital, that is one thing; if you are going to reform city abuses, that is another thing.

Chairman Lexow.—Does the Senator appeal from the question?

Senator O'Connor.—This committee has seen fit to accord to the police department the right to appear before the committee to develop the truth. The attorney for the police department, in attacking the credibility of a witness, inquires into why he was discharged. The witness gives an explanation. I want to know, then, to test the truth of the explanation, how far that system of terrorism exists in the city. It is an entirely proper inquiry, brought out without any desire to interject politics in this investigation, and made necessary by reason of the course of examination of the attorneys for the police department.

Mr. Ransom.—I want to say to this committee and this Senator that I had not objected.

Mr. Cantor.—I object, and still object, and my associates overruled me.

Mr. Ransom.—I have my functions, and you have yours. I have asked the question, and I have the right to make that request that this witness shall testify on his personal knowledge. I have not objected. When Senator Cantor refers to the counsel

for the police board he refers to the position I occupy. I have not objected. I do not object. But, I want this witness to testify upon personal knowledge. I do not want inference and hearsay, for the purpose of serving political ends of anybody.

Senator Cantor.—That is exactly what he has been doing. He has given the testimony of a man whom he admits to be crazy.

Chairman Lexow.—I want to say in addition that one of the members—

Mr. Goff.—Then, of course, if this witness has testified truly, then Tammany Hall has given a crazy man a position.

Senator Cantor.—I think Tammany Hall may not know this man's mental condition.

Mr. Goff.—I wish to be heard one word upon this question, Mr. Chairman. I was about to observe that so far as the counsel for the committee is concerned, we have been scrupulously exact to avoid all allusions, as far as we possibly could, to purely political questions in this investigation. It has been impossible for us to exclude some allusions to them, from the very nature of the case. This is one of the cases, and, as Senator O'Connor has truly said, and Judge Ransom agreed with him, that the question has been opened by the counsel for the other side; but let me present another view to you gentlemen, and it has not been referred to, that on strictly legal grounds, and within the purview of the resolution appointing you, the question is absolutely proper, material and relevant, and I will show you how.

Mr. Ransom.—It has been ruled in half an hour ago.

Senator O'Connor.—Counsel has a right to make a reply to the Senator on the committee.

Senator Cantor.—I have made no criticism on Mr. Goff at all. I have said as far as the committee is concerned it is purely political. The committee has seen fit to overrule me, and I must acquiesce in the decision of the committee. I take issue that it is not a political question, and I address myself to the political side of it.

Chairman Lexow.—I should judge my decision was right now from the fact that Senator Bradley agrees with the majority.

Senator Cantor.—That Democrat always agreed with the Republican majority last winter.

Senator Bradley. Not always. I agreed with them as long as they were right.

Senator Cantor.—They were always right in your estimation.

Mr. Goff.—Mr. Chairman, I have nothing to say about participation in that Senatorial work. It does not concern me so much; but I wish to place this question upon a stronger ground than

even anything it has been placed upon so far, so if that same question comes up hereafter that our position as counsel will be understood by this committee. There is a statute on the statute book in this State, called a statute against coercion and conspiracy by employers or by any person, to prevent by conspiracy or coercion any man from earning a livelihood. That is an indictable crime under the laws of this State. Many have been indicted under that law, and men have been sent to the penitentiary under that law.

Chairman Lexow.—It has been before our committee and we know all about it.

Mr. Goff.—You know that law. If it appears from the lips of any witness here before this committee that anybody, no matter how you know it, whether a railroad corporation or political trust, it matters not, that they have entered into a conspiracy to deprive a man of the means of livelihood, they commit a crime, and it is the duty of the police of this city to prevent the commission of that crime, and if it is committed, to enforce the penalty for the commission of that crime.

Senator Cantor.—Why wasn't it in this case?

Mr. Goff.—Because the police did not do their duty.

Senator Cantor.—This man is an intelligent man. He knew he was forced out by a trust. He comes before this committee to vent his spleen and ill feeling against Tammany.

Mr. Goff.—Why, Mr. Chairman and gentlemen, there are hundreds of intelligent citizens to-day in this city that have been oppressed, defrauded, subjects of extortion and blackmail, and they have been afraid to go before our court as constituted in this city, because they knew they could not get justice.

Senator Cantor.—That is not so.

Mr. Goff.—And that is why this man did not go, because he knew every department for the administration of criminal law of this city was controlled not by responsible officers appointed or elected for the enforcement of the criminal law, but by the overshadowing power of Tammany Hall behind it. We have got to meet this question squarely.

Chairman Lexow.—If there are any more demonstrations of applause, this room will be cleared.

Senator Cantor.—I do not suppose you willfully exaggerate the condition of things in New York, but I do say, Mr. Goff, that I am satisfied when you come to an investigation of the police courts in this city, and the department with which you, yourself, were associated, the district attorney's office in New York, I think you will find that condition of things you have described.

Mr. Goff.—Sufficient for the day is the evil thereof. I speak here of public notoriety and public knowledge and facts in this city, and I defy successful contradiction.

Senator Cantor.—The reports of the board of police justices and district attorney's office do not show any such condition of affairs.

Mr. Goff.—The reports of the board of police justices of this city are as truthful as the latest 10-cent dime novel.

Senator Cantor.—You don't mean that.

Mr. Goff.—Yes, I mean it, and I will show you whether I mean it. You know there are certain police justices in this city who hold 90 per cent. of the excise violations brought before them, and there are other police justices in this city that do not hold 15 per cent. One police justice happens to be a Tammany Hall man that holds 15 per cent., and the other man holds 90 per cent.

Senator Cantor.—You are speaking of a man that has been driven out of his employment, by an employer, and say that the courts are paralyzed against justice. I say that statement is exaggerated.

Mr. Goff.—I do not want to force myself upon your hearing, but I am replying to Senator Cantor. I announce this to-day, and I take the full responsibility for it, and I am not in the habit of making reckless statements, that it has become a question of bread and butter, in the city of New York, for a man to belong to Tammany Hall, as a question of necessity. I announce myself, in my own person, here to-day, that my professional work has been injured and clients taken from me because they felt I had no pulls in court, and influence. I have suffered myself, Mr. Chairman, and I can point to scores of lawyers to-day who have suffered, and I can point to scores of lawyers to-day who had to go into Tammany Hall to protect their practice.

Senator Cantor.—Those statements you have made before on the stump.

Mr. Goff.—No, sir; I do not go on the stump, Senator Cantor.

Senator Cantor.—You have made those little campaign remarks before.

Mr. Goff.—I do not go on the stump. I went once for myself, and since you have so often consecrated the stump yourself, and adorned it so frequently, and ornamented it so often, I can not have committed a great offense by going on the stump for myself once.

Senator Cantor.—I do not criticise that.

Chairman Lexow.—Put the question again.

The stenographer read the question, as follows:

Q. What do you know about it, and to what extent those owners of piers, those men who enjoy the privilege from the city here, coerced employes to support Tammany Hall, or any other political organization? A. I do not know anything positively.

Senator Bradley.—That was a tempest in a teapot, anyhow.

By Mr. Ransom:

Q. Did you state— A. Assemblyman Roche came to headquarters and called for me; Mr. Roche told me in East Broadway before the election; Mr. Roche met me in the campaign and told me; and said if you dare to go against Tammany Hall I will have you out of your position.

Q. What was he running for? A. For Assembly; and he wanted to know for what reason—Tammany Hall, Fourth Assembly district—he wanted to know how I dared to come from Kings county and oppose Tammany Hall politics.

Q. Ho wdid you mean opposite him; on the stump? A. Yes.

By Chairman Lexow:

Q. How long after that was it you were dismissed? A. On the 2d of March. following the 1st of January.

Q. This conversation took place in November, didn't it? A. Yes, sir.

Q. And you were discharged in March? A. In October.

Q. And you were discharged in March? A. Yes, sir.

Q. Did you know, of your own personal knowledge, that anything was done to secure your discharge? A. Only what Mr. Bolander, the agent, told me, when we were settling our accounts, that he was sorry to lose me; it was a demand from headquarters for the last campaign.

By Mr. Ransom:

Q. It has been stated to me within the last five minutes, or ten, that you were dismissed from this pier by this company under a charge of disorderly conduct and intoxication on the pier; is that true? A. It is not true, sir.

Q. Did you ever hear from any officers of the company in substance any charge of that description against you? A. No, sir; but on the contrary.

Q. I do not ask you on the contrary; you have already testified that Mr. Bolander said you were the best man he ever had? A. Yes, sir.

Q. You were never charged by any officer or person connected with that person with being drunk and disorderly upon the dock? A. No, sir.

Q. I wanted to ask you about your conversation with Schmidt, the policeman, when he told you, as I remember, that the captain had told him to follow up a contractor whose name escaped me? A. Quinn.

Q. To follow up the contractor and to procure from him some payment of money, which you illustrated by a wiggling of the fingers; I don't know how your testimony gets down on the record on that subject, but that is I understood you to mean to testify to? A. Yes, sir.

Q. Was that right? A. That is right, sir.

Q. When was it Schmidt told you this? A. On the 8th of June.

Q. Where? A. Pier 35, East river.

Q. Who was present? A. Nobody.

Q. You testified that Officer Murtha told you he was transferred from your pier to pier 37, by the captain or sergeant, because there was money there? A. Yes, sir.

Q. When was that, that he gave you that information? A. Sometime last year.

Q. Last year? A. Yes, sir; I think it was in the early part of the year; it was very shortly after he was transferred; I do not remember the month.

Q. Where was the conversation had? A. On the dock of pier 50, between 50 and 51.

Q. Who was present? A. Only the officer and myself.

Q. Is that all he said about it? A. That is all in substance; yes, sir.

Q. Do you remember when it was that Schmidt and Judd told you they would not go outside and regulate the amount of traffic because they were not paid anything? A. On several occasions.

Q. At this pier of yours? A. Yes, sir.

Q. Can you recall the time, or about the time of any one occasion? A. It was a common occurrence; when the trucks would get tangled up pretty lively I would go down and ask him, until I got refused so often I put our own men out there.

Q. Were the trucks tangled up in the streets, or the dock, or both places? A. Both places, and sometimes —

Q. And you regarded it as a part of the policeman's duty, as I understand you, to regulate the line of trucks in the street? A. In the street.

Q. And on the docks? A. No, sir; not on the dock; we could arrange that ourselves; there would not be any necessity on the docks, if the line in the street was kept in proper shape.

Q. I understood you to say in the answer previous that when the trucks were tangled on the docks and in the streets, that you asked these officers to straighten them out in both places?
A. No, sir; on the street.

Q. If you stated both places, you did not mean to? A. Yes; I did mean to.

Q. You mean that you asked these officers to straighten out the trucks on the dock? A. No; in the street.

Q. Well, you said that, and also on the dock, I understood you?
A. I said I did not mean to say that.

By Chairman Lexow:

Q. You meant, so they came in on the line? A. So they came in on the line.

By Mr. Ransom:

Q. You had a conversation, I understood you to say, with this Major we had here, when he told you he had a good time, or some kind of time, on the money Jim Boyle had given him; when was that conversation? A. On the 13th of June.

Q. Where? A. Sitting right opposite, in the courthouse.

Q. In the committee-room? A. Yes, sir.

Q. Anybody with you? A. Yes, sir.

Q. Who? A. A man by the name of Joseph Kroeger.

Q. Did he hear the conversation? A. He heard that part of it.

Q. Is he here? A. No; I can get him here.

Q. Is he in the city? A. No, sir; he is employed at Coney Island.

Q. Is he employed there? A. Yes, sir.

Mr. Ransom.—I think that is all, Mr. Chairman.

Chairman Lexow.—Any further questions?

Mr. Goff.—No further questions.

Wong Get, called as a witness on behalf of the State, was duly sworn.

Chairman Lexow.—Do you believe in the Bible? A. Yes, sir.

Chairman Lexow.—All people under subpoena will come here again at quarter after 2. The witness now sworn is cautioned against speaking with anybody about any testimony that he is going to give. He is on the stand now. You understand that?

The Witness.—Yes.

The Chairman.—You are under oath. Now, don't speak with anybody. We will now adjourn till quarter after 2.

AFTERNOON SESSION.

Present.—Senators and counsel, as before.

Wong Get, recalled as a witness, testified as follows:

Mr. Goff.—Mr. Chairman and Gentlemen: I deem it proper to state that Officer Delmedge, who was examined here last week, and who was told to bring whatever papers he had in relation to the transaction of his signing the promissory note, was here this morning, with his sister, who is in a very delicate state of health, and he informed Judge Ransom that she would be a witness in his behalf. The lady being in a very delicate state of health, and pressure of other business being on, I decided to excuse them for the day. So, on some other occasion they will have an opportunity, and he will have an opportunity to state his side of the case. He was here.

Mr. Ransom.—I think it very necessary and kind of Mr. Goff and very proper that he should make that statement. I think I ought to supplement it with the statement that Delmedge came to me and introduced himself. I had forgotten him, though I remembered his face. He said that his sister and some other witnesses or two were present, and he also had the undertaker's bill and some other documentary evidence. He was anxious to go on the stand, according to promise, and according to agreement. Mr. Goff, as he says, was unable to take up his side of the story, on account of the delicate health of his sister, and on account of pressure of witnesses whom he wanted to examine to-day. He stands ready to come at any time he is notified.

Direct examination by Mr. Moss:

Q. Your name is Wong Get; is that right? A. Yes, sir.

Mr. Ransom.—You said before recess that this witness was a Christian. I noticed that the oath was administered to him upon the Catholic Bible. I have no captious objection, nor no inquiry to make, except as you, yourself, will desire that the witness should feel the binding force and obligation in law of his oath, and if you are satisfied that that is the fact, I have no further suggestions to make in that regard.

By Mr. Lexow:

Q. You understand the oath that you have taken is binding upon your conscience? A. Yes, sir.

Q. And that you are going to tell the truth and nothing but the truth? A. I tell the truth.

Mr. Ransom.—Is he a Christian?

Q. And you are a Christian? A. Yes, sir; I believe in God.
Mr. Moss.— Will the chairman notify the witness of the protection of the committee?

Chairman Lexow.— You understand that any testimony you give here, so far as it relates to the bribing, or the giving of money improperly, to any official in the police department, or otherwise, is privileged and that no indictment or prosecution can be had against you for any testimony that you give here.

The Witness.— Yes, sir.

By Mr. Moss:

Q. Where do you live? A. I live now in 44 Oliver street.

Q. And before that where did you live? A. Eighteen Doyer street.

Q. Were you born in China? A. I was born in China.

Q. And when did you come here? A. I came here 14 years ago.

Q. When did you move from Doyer street? A. I move away from Doyer street a month ago, nearly.

Q. Is Doyer street in what we call Chinatown? A. Doyer street and Mott street and Pell street they call Chinatown.

Q. That is in the Sixth precinct? A. That is in the Sixth precinct.

Q. The precinct over which Captain Warts presided before he died? A. Yes, sir.

Q. And who are ward detectives in that precinct? A. Mr. O'Rourke.

Q. Anyone else? A. There is a Farrington.

Q. There is a Farrington, you say? A. Yes, sir.

Q. Who is the mayor of Chinatown, do you know? A. Mayor; all talk that Tom Lee is the mayor.

Q. Is he the mayor? A. He is the mayor; he got a gold badge.

Q. Is not Tom Lee generally considered or called the boss of Chinatown? A. They all call him the boss; he is captain for Chinatown; that is what the Chinamen say; they call him mayor and captain.

Q. How many Chinamen live permanently in Chinatown? A. In a weekday I think there is 400 or 500, and Sundays there is a big crowd.

Q. How many on Sundays? A. About 2,000 or 3,000, which.

Q. And do those Chinamen come from all the neighboring cities on Sunday? A. All over.

Q. What do they do in Chinatown Sundays? A. Oh, they have a lot of games; fan tan games, I know.

Q. You have played fan tan yourself, haven't you? A. I have.

Q. And frequently? (No answer.)

By Chairman Lexow:

Q. Often? A. Yes; very often.

Q. And when did you play fan tan in Chinatown the last time?

A. The last time when I got in trouble; that is, on April —

Q. (Interposing.) What month was that? A. That is April 15th, the day I get trouble.

By Mr. Moss:

Q. You got in trouble? A. Yes.

By Chairman Lexow:

Q. That is this year? A. This year.

Q. You say that these Chinamen come in on Sunday and play fan tan; how many games have there been running there during this year, do you know? A. Sometimes 50 or 60, or less.

Q. Fifty or 60, or less? A. Yes.

Q. And are those games running now, do you know? A. Not many now, I believe; I don't see but very few.

Q. Have you seen some? A. I seen some.

Q. On last Sunday? A. On last Sunday.

Q. When did they begin to be less in number; when did the change take place? A. The 16th of April.

Q. Then they became less in number? A. Became less, less, less.

Q. And prior to the 16th of April, you say, there were 50 or 60 running, and sometimes less? A. Yes, sir.

Q. How many Chinamen will play at one game? A. Sometimes 15 or 20 or 25; can't tell; sometimes big crowd.

Q. Do those games occupy a whole house? A. This game occupies just one room.

Q. One room? A. One room.

Q. And then there may sometimes be more than one game in one house? A. Sometimes two or three games.

By Chairman Lexow:

Q. In one house? A. In two or three rooms; in each room; one house.

By Mr. Moss:

Q. Do you know whether there are or have been any games running in Tom Lee's house? A. On 18 Mott street, on the second floor; one game in his office room.

Q. That is Tom Lee's house? A. That is Tom Lee's office, I know.

Q. What do you know about houses of ill-fame in Chinatown; are there any such places? A. I do not know much of ill-fame houses.

Q. Do you know whether there are girls there? A. I seen a lot of girls.

Q. Used for immoral purposes — prostitutes? A. I heard some people say all the prostitute women.

Q. Are these girls Chinese girls? A. No; American girls.

Q. Did you know any houses where American girls live in Chinatown? A. Live all around Chinatown.

Q. Can you mention any house? A. There is all over in Chinatown.

Q. A great many of them? A. A great many of them.

Q. Do you know any one particular place where they live; do you know an American woman who keeps some of these girls boarding? A. I don't know that.

By Mr. Ransom:

Q. When you say these girls, you mean Americans?

Mr. Moss.—I mean American prostitute girls.

Mr. Ransom.—Let me make a protest; that this witness hasn't testified that they were prostitutes.

Chairman Lexow.—Oh, yes.

Mr. Ransom.—He says he heard. Do you let that go in as a fact?

By Chairman Lexow:

Q. Do you know that these women that you speak of — these American girls there, were prostitutes; do you know that? A. I do not know sure they are prostitutes.

By Mr. Moss:

Q. Have you seen them ask men to come in to them — call them? A. I see some girls in the hall asking some men to go upstairs; I do not know what the matter is.

Q. Asking Chinamen to go up? A. Asking Chinamen to go up.

By Chairman Lexow:

Q. What is the general reputation there of those women, if you know? A. I do not know of the women.

Q. Do you know what their general reputation is, whether they are good girls or bad girls? A. I think there are some good and some no good.

Mr. Ransom.—That is a fair answer.

By Mr. Moss:

Q. Do you see those women associating with Chinamen at times? A. Yes, sir.

Mr. Ransom.—Does he know what “associate” means?

Q. Going with them? A. Asking them to go upstairs with them.

Q. Have you ever seen them eating or drinking together? A. Yes, sir; and in the summer they always keep the doors open.

Q. Let me see; a house occupied by Chinamen may have a large number of rooms, may it not—there are large tenement-houses in Mott street? A. Yes, sir.

Q. And I think you said a game may occupy one room; is that right? A. Yes, sir.

Q. In the same house are there not sometimes girls that occupy rooms? A. Yes.

Q. And at the same time Chinamen living in separate rooms—their own rooms? A. Yes, sir.

Q. Now, on Sunday, when these 3,000 Chinamen are all in Chinatown, they go up and down the stairs in these houses, don't they? A. Just like a market; up and down, and up and down; I do not know what the matter is.

Q. How about the games; do the people that run these games call to the Chinamen to come in, as they go up and down stairs? A. The men ask them to go upstairs to play fan tan.

Q. As they go upstairs to these games, they pass some of these girls' rooms? A. Yes; some of them.

Q. What do the girls say to the Chinamen as they pass up and downstairs? A. I do not heard the girls say anything.

Q. Have you seen them invite them in? A. I see them invite them—“Come in, come in,” like that.

Chairman Lexow.—Just get out what fan tan is.

Q. These girls are the girls that you speak of as being called prostitutes in that neighborhood; is that the kind of girls you speak of? A. Yes, sir.

Mr. Ransom.—I object; the witness assents to your testimony, Mr. Moss.

Mr. Moss.—I ask him if it is so.

Mr. Ransom.—The form of my objection, Mr. Senator, is that counsel testifies himself; Mr. Moss makes a statement and the witness assents to it.

Chairman Lexow.— It is a proper question.

Senator Saxton.— I understand your objection.

Mr. Ransom.— I object; it is not a question.

Mr. Moss.— I would not have put it in that form if the witness had not said he knew them in the neighborhood as reputed prostitutes.

By Senator Saxton:

Q. Did the people in that neighborhood talk about them as prostitutes? A. They say —

Q. (Continuing.) Did they say they were prostitutes? A. Yes; a lot of talk about them.

Q. Do you know the general talk of the people? A. Yes, sir.

Q. That is, that they are prostitutes? A. Yes.

By Chairman Lexow:

Q. They were treated as prostitutes? A. You have to go up the street to treat them; they ask you to go up.

By Mr. Moss:

Q. Now, will you tell us what fan tan is? A. Yes, sir.

Q. What is it? A. Fan tan is a game.

Q. What kind of a game? A. It is; in a Chinese way they call it fan tan game; to play the gamble.

Q. It is a gambling game; what do you play with? A. Play as much as you like.

Q. What do you use, what is on the table? A. Use the button.

Q. Buttons? A. Yes, sir.

Q. And do you have a little instrument in the hand to pull the buttons toward you? A. Yes, sir.

Q. Where does the money come in; where do you put the money? A. They make a square thing in the table; they call it number one, two, three, four, and they get a full hand of buttons on the table, and they cover them up with the hand, and say to all the people they can put the money down to play, each way you want to play; say I will play one, two, three, or four; there are just four numbers; there is a lot of buttons on the table, covered up; the people put their money down already to play, and they take the cover off and they get the buttons out — four pieces, and another four pieces, and the last they get left; if they leave one, the number one wins the money; if they leave number two, number two wins the money.

Q. It is according to the one that is left? A. (Not answered.)

By Senator Cantor:

Q. Do the players buy the buttons? A. Yes; buttons and some checks.

By Mr. Moss:

Q. There is money passed, is there; where do you put the money while you are playing? A. Put the money on the table.

Q. On the table? A. On the table.

Q. And then a little further over is the buttons? A. Yes, sir.

Q. On the square, which is divided into four corners, one, two, three, four? A. Yes, sir; one, two, three and four.

Q. And the man that is fortunate takes all the money that is on the table? A. Yes, sir.

Chairman Lexow.—How is the man fortunate?

Q. How does the man —

Chairman Lexow.—(Interposing.) If you know it, Mr. Moss, just put to him the leading question.

Mr. Moss.—I have always found it a great mystery, and I think we will let him tell it in his own way.

Mr. Ransom.—Mr. Moss has evidently been studying the game.

By Senator Cantor:

Q. How does a player know that he wins? A. You put the money on the one, if you want; you put a dollar, and if you win you win \$2; you put a dollar on and you get \$2.

By Chairman Lexow:

Q. How do you win? A. Just make a square thing on the table, one, two, three and four, and the buttons here, is covered, and you guess what number comes out—the people do who are going to play.

Q. There is a number on the button? A. Not number; I will tell you afterward; the buttons, here they are, covered; the people all play, one, two, three and four; when they are all ready to play, they lay the money on the table; now, you take the cover off, and get the stick to get the buttons out, four pieces, and the other four pieces; take that button out, four by four; when they are all out they see what they got left; if you get left one button, one wins.

Q. They take four buttons at a time from the pile of buttons? A. Yes, sir.

By Senator Saxton:

Q. And if there is one button left after the four are taken, No. 1 wins? A. Yes, sir; and if No. 2 left, No. 2 wins; three left, No. 3 wins; four left, No. 4 wins; that is the game.

By Mr. Moss:

Q. You said that on the 8th of April, I think it was, you had some trouble? A. The 15th of April; Sunday.

Q. Were you playing fan tan on that day? A. I play fan tan first I rush down to Mott street; I went to 18 Mott street to play.

Q. Is that Tom Lee's room? A. Tom Lee's room on the other side of the room, and in the rear room; there were three games in 18 Mott street.

Q. You say there were three games running in 18 Mott street on that day? A. Three games on the second floor on that day.

Q. Did you get into those games? A. I get in one game there.

Q. You played one game? A. I played one game.

Q. And did you hear any noise in the other rooms? A. Yes, sir.

Q. What noise did you hear? A. I see all the plays.

Q. Did you recognize the noise as the noise of the game; how did you know it was a game? A. (Not answered.)

By Chairman Lexow:

Q. Could you hear them play in the other rooms? A. Yes; I heard the people talk what number was out.

By Mr. Moss:

Q. You heard the numbers mentioned? A. Yes, 'sir.

Q. And you were in one room and played yourself? A. Yes, sir.

Q. Then what did you do next? A. After I played there about half an hour I went to No. 14 Mott street, two doors away, and then I went up to 14 on the third floor on the front; I played there with a lot of company; about half-past 3 to half-past 3; I played there 15 or 20 minutes; that is so; and I heard the man on the stand on the stair, the watchman say something happens — police-a-man coming up.

Q. The watchman on the outside called? A. The watchman called police-a-man; and they locked the door, and then all the gambling men all got scared; the police-a-man come up soon and burst the door in.

Q. Who was that policeman? A. O'Rourke; he burst the door in; he chucked the thing and grabbed some money and

hit somebody; I wasn't afraid of him; I lost some money on the table; I wanted to get it back.

Q. Some of your money? A. Yes, sir; some of my money on the table; somebody snatched; O'Rourke snatched; it was my money; I had a talk with O'Rourke; I said, "Here, you come here and arrest this game; why don't you arrest the other game; why don't you arrest the other game?" he says, "What game?" "Don't you know?" "I don't;" "You do know;" "How do I know?" "You must know; so many games around Chinatown;" "How many games around Chinatown; do you know?" "I say over 50 games outside of the lottery;" he says nothing.

Q. Outside of the lottery you say? A. Chinese lottery; he says nothing; "You people get out; get the hell out of here; get the hell out of here;" just that way; I say, "You do not believe other games here; you only come break this one up; I show you another one next door;" "Come on, show me;" I show him; I took him downstairs, and I took him up to 18 Mott street where Tom Lee is.

Q. That is the place where you played the day before? A. The same day; not day before.

Q. That is Tom Lee's house? A. Tom Lee's office; I say, "Jump up, run as fast as you can; I go ahead;" he come up; I say, "Come on, fast as you can;" the watchman, he holler out, "Wong Get, bring a-a-police-a-man here; lock the door."

Q. Somebody commenced to cry out and said that Wong Get was bringing a policeman? A. Yes, sir; O'Rourke come; we could get in the room before they shut the door, but he wouldn't run fast.

Q. What did he say? A. I said, "Door all locked;" he said, "What do you bring me up here for; for nothing?" I said, "There is a game; did you see the man shut the door as quick as he could; why don't you jump as fast as I jumped, to get in that room?"

Q. How far behind you was O'Rourke when you went upstairs? A. How far behind me was O'Rourke?

Q. Yes. A. About just the same as me from you.

Q. And you were that distance all the way upstairs? A. All the way upstairs; only get in the room.

Q. Could you have gotten in the room? A. I can not get in the room.

Q. Could you? A. If I wanted to jump in I could jump in, but I don't want to jump in without a policeman.

Q. When the doors were shut, what did O'Rourke do? A. When the door shut, I said, "Bust the door in, just the same as

you bust in No. 14;" he said, "No, no; I got no authority;" I said, "Why, you got authority to do it in 14, why don't you do it here;" he kept rapping and rapping on the door; lot of noise inside, putting them things away, I suppose; and then I stand there and asked him to bust the door; he won't; he said they would open; he kept rapping and rapping.

Q. How long did he stand there rapping at the door? A. Two or three minutes.

Q. And he didn't burst it in? A. He didn't burst it in.

Q. Proceed? A. He was standing this side, just this way (indicating) about three feet five away, and he kept rapping at this door of this Tom Lee's office and the room you know; the people opened the door, Lee Toy.

Q. Lee Toy ran out of one of the rooms, with a lot of other Chinamen; was that one of the games? A. Yes, sir; he come out; he grabbed me.

Q. He saw you standing there with O'Rourke? A. Yes, sir; he saw me standing there with O'Rourke, just as I was standing alongside of O'Rourke—not over two feet; he ran; he had a black-jack strap.

Q. What did he have? A. Black-jack strap.

Mr. Moss.—Does the committee desire to know what a black-jack strap is?

The Witness.—The black-jack is made of iron. They cut the leather; it is tied up. The iron is concealed inside; it is about that long (indicating); little ball in the end of it.

By Chairman Lexow:

Q. To hit with? A. To hit; he rushed out of the room; he grabbed my clothes, took the black-jack, and strike me right here (illustrating the left-hand side of the neck); suppose I don't move my head like that (indicating), I be killed; I just move my head, and a whole lot rushed out after Lee Toy, after him, and all get hold of me and kick me down, knock me down on the floor.

By Mr. Moss:

Q. What was O'Rourke doing? A. O'Rourke stood there; he don't stop them; he don't arrest them; I do not know what the matter is.

Q. Did you call—did you cry out? A. I cry out "Murder" for help.

Q. How long was this going on? A. Till that hit me?

Q. Yes, all this fight? A. All this fight—jump on me—I think there must be two or three minutes; I most dead, and I

get so much hurt, and on the floor they all jump on me and say, "Kick him;" and they hit me all over my body; at that time I get a cut here, and get a cut here, three places, and a cut here (indicating the neck); afterward two men, my friends, come and stop the fight; if not I be killed sure; I see the two men when I took O'Rourke up to 18 Mott street; and they do not know what is the matter, and they follow me up, and ask what the matter is; "Wong Get, what the matter;" they follow me up to 18; he stands there watching, and I rapping on the door with the detective, and he saw them all jump on me, and he was afraid they would kill me, and he stopped them and put them away, and let me go downstairs.

Q. You mean another Chinaman interfered and protected you and saved you from being murdered while Officer O'Rourke stood by and didn't interfere at all? A. O'Rourke stood there: yes, sir.

Q. Did Officer O'Rourke say anything to you at all? A. First, when I took him up to 18 he say something; after they all hit me and jump on to me, he never say a word.

Q. Not a word? A. Not a word.

Q. Didn't he say anything to the other Chinamen that were hurting you? A. I don't hear him saying any word, when I got hit.

Q. How did you get up out of that melee? A. Two men saved me and put them away and stopped the fight and took me out; I could hardly get up; I jumped downstairs, best I could; I wanted to save my life; I went downstairs; I holler murder for help, police; I ran best I could; I ran to about a block, corner of Pell and Mott; one policeman come the other side of the street and stopped me there, and when I walked downstairs Lee Toy chased me up.

Q. Lee Toy was still after you? A. Yes, sir.

Q. Where was O'Rourke? A. I do not see O'Rourke.

Q. When you get on the street Lee Toy followed you? A. Yes, sir; Lee Toy and a lot of others.

Q. And you couldn't see O'Rourke at all? A. No, sir.

Q. And about a block outside you ran into a policeman who was outside of the matter? A. Yes, sir.

Q. What did that policeman do? A. I ran about a block away, and that policeman stopped me; he saw Lee Toy chase me; he asked, "What is the matter?" I said, "A fight; he insulted me;" I looked for O'Rourke then; I hardly could talk at that time; I get hurt; and then the policeman take me and Lee Toy to the station-house.

Q. Now, you made a complaint to the police sergeant about Lee Toy? A. Yes; the sergeant see me cut here all over; see I get hurt all over; he asked me how I get hurt; I make a complaint.

Q. Was Lee Toy held? A. Lee Toy came into the station-house; after two hours he was out.

Q. He was out? A. Yes, sir.

Q. You appeared with Lee Toy in the police court next morning? A. No; not the next morning; and then after that my friends see I get hurt and take me home to 18 Doyers street, and got me to lay down, to get rest; I cry, so much hurt, "My body all over hurts; painful;" my friend asked me what I am going to do; best way to get a Chinese doctor or an American doctor; I say, "Best way go to American doctor;" my friend asked me could I walk; I said, "No; I ain't able to walk;" the two friends say it is Sunday, pretty hard to get a doctor; come over to the house and put the medicine on you; "You go down to Oliver street, and see the doctor, 'tain't much further from here; we take you down;" the two friends carried me down to Oliver street, No. 31, to see the doctor.

Q. How did you get into the court with Lee Toy? A. (Continuing.) And then they put medicines on me, and brought me home and covered me up in a bed; until three days I won't go to the court, but I hear my friends say the case was adjourned to Thursday; "To-morrow you will be well enough to go down to court;" but Thursday morning or afternoon, I forget which — Thursday morning I go down to the court; I get better that time; little better.

Q. That was still in April, wasn't it? A. Still April, go down to the court to the case for examination, a little while; his attorney adjourned the case to next Monday afternoon at 2 p. m.

Q. His attorney was Edmund Price, wasn't he? A. His attorney, Eddy Price.

Q. And that case was adjourned until the Monday following at 2 p. m.? A. Yes, sir.

Q. Who was the judge that adjourned it? A. At the Tombs; the Judge — big, fat, stout man; I think Martin.

Q. Ryan, wasn't it? A. Ryan or Martin; I do not know.

Q. As matter of fact, it was Ryan? A. That Thursday the first —

Mr. Moss.— I simply state that because I know it.

By Chairman Lexow:

Q. What police court was it?

Mr. Moss.— It was in the Tombs.

By Mr. Moss:

Q. Who was your attorney? A. My attorney, George W. Glaze.

Q. And now you are positive that the case was adjourned until Monday at 2 o'clock? A. Two o'clock.

Q. And then, on that following Monday, at 2 o'clock, did you and your attorney, and your witnesses go to court to prosecute Lee Toy? A. Yes, sir; to that Monday afternoon, half-past 1; I bring all of my witnesses and a lawyer, and go down to the Tombs and get there as near 2 o'clock —

Q. And was there some newspaper reporter there at the same time, at 2 o'clock? A. Lot of them; I can recognize one over there (indicating).

Q. What happened at 2 o'clock on Monday? A. That Monday afternoon at 2 o'clock, we sat there to wait until he come.

Q. Until Lee Toy came? A. Till Lee Toy came; till quarter past 2; we don't see one come; our attorney go ask the clerk how the case is; why don't his people come; the clerk say, "Why, this morning released Lee Toy."

Q. That morning they released Lee Toy? A. This morning at 10 o'clock they released Lee Toy, discharged.

Q. Did the clerk state the reason why? A. The clerk said, "Why don't you people come this morning at 10 a. m."

Q. Did you see the papers with the judge's indorsement upon them, that the case was marked for Monday at 10 o'clock; did you see that there that day? A. What day.

Q. Monday? A. Monday; the clerk show out the papers.

Q. He showed you the paper? A. Show me and Mr. Glaze.

Q. It had Judge Ryan's indorsement on the paper, adjourning the case to Monday at 10 o'clock, instead of 2 as you testified was the real adjournment? A. Yes, sir.

Mr. Moss.—I am simply summing up what he told me.

Mr. Ransom.—That is the reason I object. Judge Ryan is brought in here by intimation.

Mr. Moss.—I am prepared to back that up, by my own personal knowledge.

Mr. Ransom.—It ought to be backed up without intimating.

Mr. Moss.—This witness has testified.

Chairman Lexow.—Ask him what he knows.

Senator Saxton.—I understand the witness was present on the Thursday.

Mr. Moss.—Certainly.

Senator Saxton.—And he says the case was then adjourned to Monday at 2 o'clock.

By Senator Saxton:

Q. Were you present on the Thursday when the case was adjourned? A. Yes, sir.

Q. You were there in court? A. Yes, sir.

Q. Did you hear the announcement—hear it said when the case was adjourned to? A. Yes, sir; I heard it.

Q. And who said it? A. The judge said so.

Q. And what did he say? A. He said, case adjourned next Monday afternoon, 2 p. m.

Q. Do you know what judge it was? A. I think it was Judge Martin, a big, stout man.

Mr. Ransom.—I have no objection to that, but you do not remember. The witness was being asked to testify that he saw indorsed upon the papers by Judge Ryan, "Adjourned until 2 o'clock." Manifestly, he couldn't tell that.

Q. On the day when you got there, you waited until 2 o'clock, I understand? A. Yes, sir.

Q. And then it was said that this man had been discharged in the morning? A. Yes, sir.

Q. Did you see the papers at that time? A. At that time the clerk showed the papers.

Q. Could you read them? A. I read them; see them.

Q. What did it say on the papers? A. I only could see "10 a. m."

Q. And as you understand it, that was the minute that was made—the writing that was made, that the case was adjourned to 10 a. m.; do you understand that that was the writing on the paper that the case was adjourned to 10 a. m.? A. Yes.

Q. It was written on the paper that it was adjourned to 10 a. m.? A. Yes, sir.

Q. You saw that yourself? A. I saw that myself.

By Chairman Lexow:

Q. Did you see what was written on it Thursday; did you see when the paper was made out Thursday; what was written on it? (Not answered.)

By Senator Saxton:

Q. Who was the judge that was there Monday morning or Monday afternoon? A. Monday morning, Ryan; afternoon, Martin, I think.

Mr. Moss.—I think I can state that. He should not be connected with that matter. I know it was not Judge Martin that made that adjournment. I know it was Judge Ryan because

I have some knowledge of the matter. Judge Martin came into the case later by suppression or change of the justices.

By Mr. Moss:

Q. Did you hear your attorney, Mr. Glaze, on Thursday state to Judge Ryan or the judge that was there, any particular reason for adjourning it until the afternoon? A. He talked to the judge, and he said this case adjourned to Monday afternoon, 2 p. m.

Q. Did you hear Mr. Glaze state a reason why he wanted it adjourned until 2 o'clock, instead of any other time? A. Not our attorney adjourned the case; his attorney adjourned the case.

Mr. Moss.—He probably did not hear that. I wanted to prove a special conversation. He was probably sitting in the back of the room and could not hear it.

Q. Can you tell what was done then when it was discovered that Lee Toy had been discharged? A. At that time we asked him about the case; we are all up here, and they adjourned this case to this afternoon at 2 p. m., from last Thursday; why, then, the reason you release him this morning at 10 a. m.?

Mr. Moss.—I will get that a little shorter.

Q. Do you remember that Judge Martin was present on that Monday; you are clear that that was Judge Martin? A. Yes, sir.

Q. And do you remember whether Judge Martin heard some remarks made to him by Mr. Glaze and other people about the case? A. Yes, sir.

Q. And do you remember whether Judge Martin issued a new warrant? A. Yes, sir.

Q. And do you remember whether any officer took that warrant out? A. I remember what officer, but I do not know what his name is; I recognize him.

Q. An officer did take the warrant? A. Yes, sir.

Senator Saxton.—Second warrant?

Mr. Moss.—Second warrant issued by Judge Martin.

Senator Saxton.—When he discovered this state of affairs?

Mr. Moss.—Yes. I made this statement to Judge Martin myself.

Q. What kind of men, if any, went with the officer to identify Lee Toy? A. I bring lot of friends with me, and detective.

Q. Listen to the question; did any Chinamen go with the officer to find Lee Toy? A. Go with the officer?

Q. Yes; to take Lee Toy; to show him Lee Toy? A. Yes, sir; me and Huey Gow.

Q Who else? A. Huey Gow and Dong Fong and Lee Hee, and Dung Fong, and Lung Hu; Lee Hee, I and Chu Mong; about seven men I took with me, hunting, hunting all over.

Q. Hunting for Lee Toy? A. Hunting for Lee Toy.

Q. Did you find him? A. No; kept hunting, hunting, until evening until half-past 11, laying for him; I hunting, hunting with all these friends.

Q. You and all your friends were hunting around Chinatown for Lee Toy? A. Yes, sir.

Q. What happened then? A. Until half-past 11 or quarter to 12 sometime; 11 o'clock, I say, "Never mind; we better go home; we can not get him;" the officer had gone back; "What use lay here for him; officer go back; better wait till next day; we get him; don't notify them, maybe he skip away;" I talk to friends and so they all go home to get something to eat and then I go home 11 o'clock that evening; I ask my wife is she hungry, want something to eat; I said, "I ain't got my supper yet;" she say, "What you been doing all day?" she said, "You go hungry;" I said, "I go to restaurant and eat;" she said, "Oh, too warm."

Q. Never mind what she said; you went to the restaurant to get something to eat? A. I went to the restaurant to get something to eat.

Q. And then you went home again? A. Then I went home again.

Q. Tell me what you saw; get to the point? A. I went home again that time; the theater all out, and must be quarter to 12 that time; I hear some low talking down in my yard.

Q. You heard some talking in the yard? A. A little low talking in the yard; my wife going down the stairs, got down to the yard, and she heard some low talking in the yard; she struck a match and she says, "Something happen;" she get so nervous or afraid; come upstairs all nervous; get scared and sit on the chair; I said, "What is the matter;" she said she saw something down in the yard; I said, "What is the matter; did you see anything; anybody hit you;" she said, "There was a man cutting himself down in the yard."

Q. Who was it? A. A lot of them — lot of them; I say, "How many;" I said, "Do you know anyone;" she said, "Some of your cousins;" "Who is my cousin down there; my cousin cutting himself;" "No, not your cousin; your cousin stood there looking;" "Then, what make you afraid?"

Q. Then, did you look out of the window? A. Yes, sir; I turned the light down and I peaked out of the window, and I hear the money — chucked some money, and then this man got

outside of the yard, hollering murder, and just then two or three or four or five policemen come.

Q. That was the crowd downstairs that your wife told you about; she says she saw somebody cutting himself, and then you heard the money thrown? A. I heard the money ching.

Q. And then they rushed out into the street, crying and hollering murder? A. Yes, sir.

Q. Did you look out of the front window? A. I don't have to look out of the front window; I look out of the side window and see all on the street; I look down the street and see all the people hollering murder—all people hollering murder together in Chinese way.

Q. Did you find out afterward who was the man that cut himself? A. Ching Hing Tong, laundryman.

Q. Did any police come on the scene when they cried murder? A. He just hollered, and one or two policemen come and asked the matter.

Q. Two or three policemen right on the spot; that is different from usual; they were right there? A. Right there.

Q. What was the next step in that tragedy? A. I kept watching the window yet; I see all the people got up to some deal the other side of the house.

Q. Who was arrested that night? A. I see—

Q. (Interposing.) Who was arrested that night? A. Yung Tong, Huey Gow.

Q. The one you have mentioned as one of your friends? A. Yes; one of my men.

Q. Who else? A. Dong Fong.

Q. Another one that you have mentioned as one of your friends? A. Lung Huy and Lee Hee.

Q. You say that four men were arrested by the officers there? A. Five men altogether; Yung Tong, too.

Q. And four of those, if I understand your testimony, were the ones that were hunting for Lee Toy during the day? A. Yes, sir.

Q. Do you know where those men were arrested? A. One I see arrested was taken down from 17; I see Yung Tong; then I do not know what the matter was, for the arrest of him; then I go downstairs, and I go up to 17; see them people, and ask what is the matter, why arrest the man; they were all talking and saying, "Did you see anyone of them Hip Sing Tong?"

Q. Who says "Did you see Hip Sing Tong"? A. The Chinamen.

Q. Which Chinamen, the Chinamen that were with the police? A. Yes, sir; the Chinamen that were with the police.

Q. You say that the Chinamen who were with the police were asking if they saw any Hip Sing Tong men? A. Yes, sir.

Q. What is Hip Sing Tong? A. That is what they call the workingman's society.

Q. Is that Tom Lee's society? A. No, sir; Tom Lee the other society.

Q. Are the two societies friendly? A. No; no.

Q. They are unfriendly? A. Not friendly.

Q. And you say that the Chinamen that were with the policemen were talking about arresting Hip Sing Tong men? A. Yes, sir; talking about Hip Sing Tong men.

Q. Do these four or five men that were arrested belong to the Hip Sing Tong men, do you know? A. Dong Fong is a Hip Sing Tong; Huey Gow is a Hip Sing Tong; Lee Hee is a Hip Sing Tong; Lung Hu is a Hip Sing Tong; all of them; all of them belong to the Hip Sing Tong men.

Q. Were those five men all arrested in one bunch, or were they arrested at different places? A. Different places.

Q. And did that hearing come up before Judge Martin; who made the charge against them? A. Who make a charge against those five men?

Q. Yes? A. Ching Hing Tong make a charge.

Q. Is that the man that cut himself? A. That is the man that cut himself.

Q. What charge did he make against them? A. First he lock them five men up, and then after a while some of his friends took Ching Hing Tong, and go to the station-house and make a charge of robbing him and killing him.

By Chairman Lexow:

Q. Trying to kill him? A. Yes, sir; and he carved himself.

By Mr. Moss:

Q. You mean to say that this complainant charged that your four friends had committed this assault, whereas you say the man was cutting himself? A. Yes.

Q. Now, did you have a hearing upon that charge of highway robbery, did your friends appear in court? A. He appear in court.

Q. Before Judge Martin? A. Yes, sir.

Q. What was the result of that hearing, do you know? A. Next morning—

Q. Yes; just tell us how it ended; never mind about the details; how did it end?

Senator Bradley.—What did the judge do with them?

The Witness.—Judge put a bond on each one of them.

Q. Held them all for trial? A. Held them all for trial.

Q. And have they been indicted, do you know, by the grand jury? A. Yes; heard about it.

Q. And are now waiting for trial? A. Waiting for trial.

Q. Do you know whether the case was called up recently? A. The case called up?

Q. The case of these four men? A. These four men charged for highway robbery.

Chairman Lexow.—Was the case called up lately?

Senator Bradley.—In court.

The Witness.—Yes, sir. Yesterday morning at 11 o'clock.

Q. Let us run back to Lee Hee, or Lee Toy again; was Lee Toy caught? A. Lee Toy in the Tombs.

Q. When was he arrested? A. Lee Toy, since April 23d; that day got a new warrant out for him, hunting for him and couldn't get him; him running away; hunting all the time for him; he run away and come back lately, and last week a Monday I, with my friend, go down to the Tombs and ask the sergeant about a warrant.

Q. Never mind; when was he arrested; what day? A. Arrested Lee Toy on Tuesday morning.

Q. And all that time he has been at large, since April 23d? A. Yes, sir.

Q. Was an application made by Lee Toy's lawyer to adjourn the case? A. Yes; adjourn the case.

Q. And what did your lawyer say about it? A. My lawyer liked to try it right away.

Q. Your lawyer wanted to try it? A. Yes, sir.

Q. Did he give any reason why he wanted to have the hearing go on? A. Tuesday arrested him and adjourned the case.

Q. No, no; did Mr. Glaze state any reason why he wanted it to be disposed of quick? A. Glaze say he wanted to go to California.

Q. Glaze, your lawyer, was going to California and wanted the hearing right away? A. Yes, sir.

Q. And you say Mr. Price wanted an adjournment? A. Yes, sir.

Q. Did Judge Martin adjourn the case? A. Yes, sir; adjourned the case.

Q. Until what day? A. Until Monday; first adjourned until Thursday.

Q. Then on Monday he adjourned it again? A. Yes, sir.

Q. Until what day? A. Adjourned it again until afternoon.

Q. Is it adjourned until September? A. No; it has been adjourned three or four times.

Q. When is it coming up again next time? A. Next time?

Q. Yes. A. Adjourned until September 8th.

Q. And that was done yesterday, wasn't it? A. That was done yesterday afternoon.

Q. By Judge Martin? A. By Judge Martin.

Senator Saxton.— You asked to have that adjourned until September 8th?

Q. Who asked for the adjournment? A. Some young fellow from Eddy Price.

Q. Eddy Price's clerk? A. Yes, sir.

By Senator Saxton:

Q. Did your lawyer want to adjourn? A. No, sir.

Q. Was your lawyer there yesterday ready to try it? A. Yes, sir.

Q. And wanted to try it? A. Yes, sir.

Q. And Mr. Price asked for an adjournment, and the Judge adjourned it until September 8th? A. Yes, sir.

By Mr. Moss:

Q. And meantime the case against your friends for highway robbery was called up yesterday? A. Yes, sir; yesterday at 11 o'clock.

Q. While you were there yesterday, and before the Judge came in, did one of your Chinese friends attempt to speak to Mr. Glaze? A. Yes, sir.

Q. What happened to him? A. That man there (indicating) wanted to talk to my counsel, Mr. Glaze.

Q. This man (indicating)? A. Yes, sir.

Q. Huey Kin? A. Yes, sir.

Q. He stepped up and wanted to speak to Mr. Glaze? A. Stepped up, and wanted to speak to Mr. Glaze, and one of the officers pushed him—don't want him to talk; not say anything, only push him away back; he near fell down; Glaze said he wanted to talk to him; "This is my man; this is the interpreter."

Q. He says, "This is the interpreter," and he wanted to talk to him? A. He said, "You can't talk to him here;" lock me up.

Q. Who did he say he would lock up? A. The policeman?

Q. Who did the policeman say he would lock up? A. He says, "You don't go out I lock you up; don't talk here."

Q. Asked him to go out? A. Yes, sir.

Q. Did he threaten to arrest Mr. Glaze? A. Mr. Glaze says, "That is my man;" he says, "I lock you up, too."

Q. That was your lawyer? A. Yes, sir; Mr. Glaze's face turned all red.

Q. Last January did you pay Tom Lee any money? A. Last January, the 23d.

Senator Saxton.—I would like to know about this Lee Toy, whether he keeps the house or whether he is a relative of Tom Lee; I would like to know why it was that he was in the matter the way he was.

Q. Is Lee Toy related to Tom Lee, do you know? A. Lee Toy is a cousin to Tom Lee, and next to Tom Lee in the society; Tom Lee is the society president; he is next to Tom Lee.

Q. He is next to Tom Lee in the Tom Lee Society? A. That society the Un Lung Tong.

Q. Is Lee Toy a gambler, do you know; does he keep a gambling house? A. Yes; sure he keeps a house.

By Senator Cantor:

Q. What is the name of this society in English? A. They call it the Guarantee Surety Protection to Gambling Society.

Q. Guarantee Protecting Gambling Society? A. Yes, sir.

By Senator Saxton:

Q. Does this Lee Toy run the games in this house? A. Yes, sir.

Q. Tom Lee doesn't run them himself, but they are run by Lee Toy? A. Yes, sir.

By Chairman Lexow:

Q. Doesn't Tom Lee run any of the games? A. I do not see him at all run the games.

By Mr. Moss:

Q. Did you pay any money to Tom Lee in January? A. Yes; I paid money to Tom Lee in January.

Q. How much? A. He asked me \$16.

Q. What for? A. I say what for; he said \$15 for my expenses; \$1 go into the society expenses.

Q. What was he to give you for that? A. He say anybody want to run a game have to give me that; you see I got a badge; I got a gold badge; I am the deputy sheriff.

Q. Tom Lee said he had a gold badge, he was deputy sheriff? A. Yes; stuck on his suspender.

Mr. Moss.—That is a fact, I believe.

Q. Did you want to run a game? A. I wanted to run a game.

Q. And you went to see Tom Lee about it? A. I do not want to see him about it; I start a game at 18 Doyers street, where I live, downstairs in the rear room, and then I start a game and I look for Tom Lee to speak to him, and I can not, and the next morning he come to my room; I said, "Do you want anything?" "Certainly, do you know me?" I said, "What for?" he said, "You give me money;" I said, "How much I have to give you?" "Did you hear anything about anybody, people paying me;" talking not so quick as I talk, talking easy; he said, "\$16 a week."

Q. Sixteen dollars a week? A. All what the others pay me.

By Senator Lexow.

Q. What all the others pay me? A. Yes, sir.

By Mr. Moss:

Q. That was for just one room? A. Just one room, one table.

By Senator Saxton:

Q. Did he say what he was going to do with that money, where it was going to? A. He said, "I spend so much money for the gambling run; I spend so much money I have to collect the money."

By Chairman Lexow:

Q. What do you mean by gambling run? A. Keep a gambling run.

Q. For the privilege? A. To keep the game running.

By Mr. Moss:

Q. That was your game; you were to keep that running? A. Yes, sir.

Q. What was he to do with the \$16? A. I asked him; he says he spend money on that before; now he collect that money; \$15 his money and \$1 go in the society.

Q. Did he say how he spent the money? A. I do not know; he did not say how he spent money; he said only he spend money before for to keep the gambling run.

Q. Did he tell who he gave the money to? A. He tell me he got to pay somebody.

Q. Who was the somebody? A. He didn't told me.

Q. Why, Tom Lee is the boss, you say; why should he pay anybody? A. That is all; I pay money to Tom Lee.

Q. You say he was going to pay it to somebody else? A. Somebody.

Q. Who was that somebody else? A. He didn't tell me who that somebody else was.

Q. You did run that game a little while? A. Yes, sir.

Q. And you did pay Tom Lee some money? A. Yes, sir.

Q. How much money did you give him; how many weeks? A. Just a month; four weeks.

Q. You gave him \$16 in each of the four weeks, is that it? A. Yes, sir; each four weeks.

Q. Did you have any trouble with any officer while that was going on? A. Only last week, the three weeks and four weeks I keep that gambling run, Tom Lee know I keep a gambling run.

Q. Who came to collect the money? A. Tom Lee; sometimes he come with Lee Toy; sometimes he come without, and with—

Q. (Interposing.) With officer? A. He was some policeman downstairs; I didn't go downstairs looking.

Q. You mean to say he left the police officer downstairs? A. Yes, sir.

Q. And came up? A. Yes, sir; to collect the money.

By Chairman Lexow:

Q. Do you mean to say he had left a policeman downstairs?

A. No; the doorkeeper say so.

By Mr. Moss:

Q. Did you see the police officer downstairs? A. I did not go down to look.

Q. What is the trouble you had with the police officer? A. On that last week, I ran that game four weeks, and on Monday evening at 9 o'clock, Farrington, the detective, he come up; my doorkeeper holler, "Policeman;" we shut the door; Farrington pushed the door in, chucked the things all out of the window, smashed up the table, and chased we out.

Q. You had paid your money to Tom Lee? A. I did; I said, "Who send you up here; did you hear anything from Tom Lee;" he not say a word; right after that I go to Tom Lee; I say, "I pay you all the time; what is the matter; policeman come in, bust in my house, toss them people out, and send them people out;" he says, "What one;" "Farrington;" "I go see him right away;" "You fellows go back there;" then I go back to gambling-place; then, after a while Farrington come back, take some screw driver, and fix that door on again.

Q. Farrington did that for you? A. Did that for me,

Q. Was that the same day that you complained to Tom Lee; was that the same day? A. Same day, after two hours.

Chairman Lexow.—Farrington is one of these officers.

Mr. Moss.—One of the detectives.

The Witness.—I asked him to fix the table for me; the table is but a few boards; I make it myself. I said, "You smash that table; why don't you fix the table?" He said, "You go fix it; you can fix it yourself." He walked out; I go see Tom Lee again. I say, "He smash up that table; I buy that board to fix the table, and pay so much, and he take all of them buttons, all of them checks, and throws them things out of the window; I lose money on that. I pay you \$16 a week, and do that before only this week, and I lose money." He said, "How much are they worth, do you think?"

By Senator Saxton:

Q. Tom Lee asked you how much they are worth? A. Yes, sir; Tom Lee ask me them buttons and everything else chucked out of the window, how much them worth; I say, "I can not tell; come up, I show you;" "Never mind; no trouble no more; I give you \$5;" he gave me \$5.

By Mr. Moss:

Q. He gave you \$5 to square you? A. Yes, sir.

Q. You were a gambler, were you? A. Yes, sir.

Q. And that was a gambling table, that was smashed? A. Yes, sir.

Q. And that was the door of a gambling-house that he had broken in? A. Yes, sir.

Q. And he came with a screw driver and fixed that door? A. Yes, sir.

Q. Fixed everything for you? A. This man before, I ask him to fix the table.

Q. He gave you the \$5?

Chairman Lexow.—Tom Lee gave him the \$5.

Senator Saxton.—He went right back to Tom Lee to have the table fixed.

The Witness.—Because if Farrington don't fix the table I go see Tom Lee.

By Mr. Moss:

Q. How much did you give him after that? A. Next week I get mad, and I say that bad luck, and I won't pay.

Q. Fung Chuy, I suppose? A. Yes, sir.

Q. Do you know other men that have been paying \$16 a week to Tom Lee? A. I know a good many of them.

Q. Can you give their names? A. Yes, sir; I can give you names.

Q. Give me some of the names? A. Their names is Hing Chu Mon; he had a gambling run.

Q. Where? A. He live No. 12.

Q. Twelve Mott street? A. On Mott street.

Q. Any others? A. And the other friend, I know him very well; he keep a game; probably must be 28 or 30 Pell street, if not 28; it number 30 Pell street; he say he pay money to Tom Lee for that gambling run.

Q. Is it a matter of common knowledge throughout Chinatown that these games pay money for police protection; do people generally know that, and generally understand that they pay \$16 for protection for gambling-houses? A. Yes; give it to Tom Lee; Tom Lee say he give it to somebody.

Q. That is generally understood? A. Yes, sir.

By Senator Saxton:

Q. This man, Tom Lee, he is the collector; he does all the collecting around here from these places? A. Yes, sir.

Q. And is it talked about where he puts the money — where he gives the money? A. He don't want to tell it.

Q. Is it the general talk around there, what he does with it? A. General talk they pay some police.

Q. That is the general rumor there, general report? A. General report.

By Chairman Lexow:

Q. Is that true also of opium-joints? A. Some opium-joints; yes, sir.

Q. As well as these fan tan places? A. All the fan tan places.

Q. Do the opium-joints pay protection money the same as the fan tan places? A. I do not know how much they pay.

Q. Do you know whether they pay or not? A. I think they must be paid.

By Senator Bradley:

Q. You do not know of it yourself? A. I do not know.

By Chairman Lexow:

Q. Do you know whether or not the price of this protection was changed about two years ago; was it \$5 about two years ago? A. Before I do not know.

Q. Do you know anything about that at all? A. Before I don't run a game.

Q. Do you know whether the price was increased at all? A. I do not know that.

By Mr. Moss:

Q. There are a great many Chinamen engaged in this gambling business, are there not? A. Yes, sir.

Q. And there is a great deal of hard feeling among them, is there not? A. Yes, sir.

Q. And do any of the Chinamen side with the police in this gambling business, such police as O'Rourke and Farrington—I mean among those—do they sympathize with O'Rourke and Farrington? A. Talk with them; yes.

Q. And have you expressed to me a feeling yourself of very great fear of your personal safety, not only from the police, but from the Chinese gamblers, against whom your story may militate; have you such fear? A. Yes, sir.

By Senator Bradley:

Q. Are you afraid of them? A. Yes, sir.

By Mr. Moss:

Q. You didn't know that you were going to testify until you got your subpoena? A. I am going to testify.

Q. But you didn't know it until you got your subpoena this morning? A. I did not know it.

Q. And I have spoken to you quite a number of times about coming here? A. Yes, sir.

Q. You promised to meet me here, and didn't keep your promise? A. Because I had no time that time.

Q. And you never told me anything about Farrington in your life, did you, about this paying \$16 to Tom Lee? A. No, sir.

Q. You do not know how I know that, do you? A. No, sir.

Q. These things have come out of you simply because you have been compelled to testify, as I understand it? A. Yes, sir.

Q. Now, if anything happens to you, if any policeman or Chinaman attempts to trouble you and get up any more of these highway robbery cases, you must let us know? A. Yes, sir.

Q. And we will do what we can to protect you? A. Yes, sir.

John P. Ott, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Where do you reside, Mr. Ott? A. Williams Bridge, N. Y.

Q. And what is your business? A. Salesman.

Q. I want to be very brief with you, and I know that you have been here all day and want to get away; some three or four years ago did you apply for an appointment on the police force? A. I did.

Q. To whom did you apply? A. I got my application in the headquarters — police headquarters.

Q. From any particular commissioner? A. Well, I got it from Commissioner Voorhis' office.

Q. Commissioner Voorhis' office? A. Yes.

Q. And you filed your application and got some commendations? A. Yes, sir.

Q. Some gentlemen to sign it? A. Yes, sir.

Q. Did you pass your civil service examination? A. I did.

Q. What was your rating, do you remember? A. I think it was something like 81 or 85.

Q. It was within the line? A. Yes, sir.

Q. Did you pass your physical examination? A. I did.

Q. How did you pass that? A. Well, there was only one rating.

Q. I mean did you pass that successfully? A. I passed it successfully; yes, sir.

Q. As to height, weight, etc.? A. Everything; yes, sir.

Q. And after you passed your examination, Mr. Ott, did you pay any money to any person in consideration of your securing your appointment? A. I did.

Q. How much did you pay? A. Three hundred dollars.

Q. To whom did you pay the money, Mr. Ott? A. It went through my hands to a friend of mine; he said he could get me appointed if I would pay \$300.

By Senator Bradley:

Q. Speak out louder, repeat that again? A. It transpired with a friend of mine who asked me; said that he could get me appointed if I would pay \$300.

By Mr. Ransom:

Q. It amounts to this, that you paid \$300 to your friend? A. Yes.

By Mr. Goff:

Q Was that information given to you by your friend, before you made application? A. No; it was after the application was made.

Q. And after you passed your civil service examination? A. Everything.

Q. And you were waiting for notice of appointment, were you? A. That is what I was waiting for.

Q. About how long after you passed your civil service examination did you receive this information from your friend? A. About six to eight months afterward, I guess.

Q. And about how long after you made your first application was it when you received this information? A. As I said, the information I received about six or eight months after.

Q. About six or eight months after you made your application? A. Yes, sir.

Q. Were you beginning to get a little anxious as to whether you would be appointed or not? A. Yes, I was; because the time expires in one year.

Q. And did you seek out this friend of yours? A. No; he came to me.

Q. Now, who was the friend, Mr. Ott? A. A friend of mine by the name of Latus.

Q. Spell it? A. J. J. Latus—L-a-t-u-s.

Q. Is it John or James? A. Jacob.

Q. Where does Mr. Latus reside? A. Well, he has a place of business in Fourteenth street; I do not know exactly the number.

Q. What is his business? A. Cloak business.

Q. Is he there yet? A. He is there still.

Q. He resides in the city, I presume? A. Yes, sir.

Q. You do not know his residence? A. I do not know; he used to live in West Twelfth street; I do not know whether he lives there or not; I could not say.

Chairman Lexow.—How long ago was this?

Mr. Goff.—Three or four years ago.

The Witness.—Three or four years ago.

Q. Mr. Ott, what did Mr. Latus say to you about giving this \$300? A. He told me—he said that he knew a party that would put me on the police force after I had passed my examination, which, he says, you have, if I was to put up the necessary amount of \$300.

Q. Did he name the party? A. He did.

Q. What party did he name? A. The party he named was a party by the name of Flynn.

Q. What was his first name? A. I think it was Charles Flynn.

Q. What business was he in? A. Tailoring business.

Q. Where was his place of business? A. Six hundred and eighty-three Hudson street.

Q. Did he occupy any public position, or was he connected in any way with the public departments? A. That I do not know; I did not go into that to find out.

Q. Did you ever see Mr. Flynn? A. I have seen him several times.

Q. Was that all of Mr. Latus' communication to you, that Mr. Flynn could do it for you? A. That is all.

Q. You knew Mr. Latus pretty well, I presume? A. Yes; I have known him a good many years.

Q. And you relied upon what he said? A. I did; I relied upon what he said.

Q. And you gave him \$300? A. Yes, sir.

Q. In bills? A. Yes, sir.

Q. After you gave him the \$300, did he tell you that he had delivered it to Flynn? A. Yes; I think we went over to Flynn's place.

Q. Both of you? A. Both of us.

Q. And what took place at Flynn's place? A. Well, I was to stay on the outside while he went in and handed him the money.

Q. And he went in? A. He did.

Q. You remained on the outside? A. I did.

Q. He came out and told you that he had handed Flynn the money? A. Yes, sir.

By Senator Saxton:

Q. Did you see anything that took place on the inside? A. I couldn't.

By Mr. Goff:

Q. Have you visited Mr. Flynn yourself? A. I seen him several times.

Q. In connection with this \$300? A. In connection with the appointment; he said I would get it very soon.

Q. Did he ever say by what influence he could get it, or how? A. Well, from what I understand he had a great influence, but where I didn't ask.

By Chairman Lexow:

Q. Did he ever speak about the \$300? A. No; not to me.

Q. Or about any money? A. Not about any money to me.

Q. Didn't you mention the matter to him? A. I didn't mention the matter.

Q. Had you been told not to speak anything about money?
A. I had been told by my friend not to say anything about money.

By Mr. Goff:

Q. You had been told by Mr. Latus not to say anything to Flynn about the money? A. I had.

Q. But you have seen him several times about the appointment? A. I have.

Q. And you have been waiting for the appointment? A. I have been waiting for the appointment.

Q. And the appointment hasn't arrived yet? A. I am glad it hasn't; I am doing better than if I got appointed.

Q. Did you ever receive the \$300 back? A. Never.

Q. Did you ever make a demand for it? A. I have; I have made several demands for it.

Q. To whom? A. To my friend, and he said any time I wouldn't get appointed I would be sure and get the money back.

Q. Mr. Latus? A. Yes, sir.

Q. Have you made the demand upon Mr. Latus? A. Yes, sir.

Q. What excuse, if any, has he given? A. I have a letter in regard to it in my pocket, that he wrote about it.

Q. Have you a note in your pocket? A. Yes, sir.

Mr. Goff.—Let us look at it.

By Chairman Lexow:

Q. What does he say about it? A. It is a letter I wrote to him, and an answer that he sent back to me on the slip I wrote him.

Q. Did you ever demand the money of Flynn? A. It was his transaction; I couldn't demand it myself personally; it was a transaction between a friend of mine and Mr. Flynn; I would have to demand it from Latus, and get it from Flynn.

Q. But you never made a personal demand on Flynn for the money? A. I never made a personal demand on Flynn for the money.

Q. Is he a real tailor, or a bogus tailor? A. That I do not know; this (producing paper) is the letter I wrote to him, and there is an answer, a reply to it, in red ink.

Mr. Goff reads the letter to the committee as follows:

June 14, 1894.

Friend Jake.—Don't you think that it is about time I heard something about that affair? Am I going to get anything or

not? You said, you know, that Flynn was — I think it is about time. I have waited long enough, as you said I would not lose all of it; that you see I got half of it; if I did not, you would not let me lose it, but I didn't see half or anything else, and not even hear anything until I write. Don't you think that fair? You know that is not a little sum to lose. It might look so to you but not to me, and I want to know if I am going to get anything or not, so I will know how to act in the matter. If I only get some of it, one-half or three-quarters, that is something; that shows that I am not swindled, which I think I am.

Yours respectfully,

JOHN P. OTT.

Mr. Goff.— And the answer is:

"I wish you to understand that I am not a swindler. After such a letter as this, if you desire any information, you must call on me personally, and see me at my convenience.

"J. J. LATUS, JR."

By Mr. Goff:

Q. And that is the extent of your adventure of getting on the finest in the world? A. That is what it is.

Cross-examination by Mr. Ransom:

Q. Do you know Morris Jacobs? A. No.

Q. Then you have never heard anything about his experience in trying to get on the police? A. No; I do not think I did.

Q. You charged your friend, Latus, in that letter with having swindled you; it is your judgment, isn't it, that you have been swindled by these men out of your money? A. Well, it looks that way.

Mr. Ransom.— It looks that way to us, I suppose. That is all.

William Entwistle, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your name? A. William Entwistle.

Q. And your place of business? A. Fifty-seven and one-half Dey street.

By Chairman Lexow:

Q. What is your business? A. Produce business.

Senator Bradley.— Speak up, so that Judge Ransom can hear you.

By Mr. Goff:

Q. Your business is produce? A. Produce; yes, sir.

Q. And your place is where? A. Fifty-seven and one-half Dey street.

Q. To whom do you give the money that you collect in the envelopes? A. I give it to Mr. Golden.

Q. Who is Golden? A. He is in the produce business, on the corner of West and Dey streets.

Q. Give us his full name, Mr. Entwistle? A. Owen Golden.

Q. His place of business is where, do you say? A. Corner of Dey and Greenwich — Dey and West.

Q. How did you come to collect the money, Mr. Entwistle? A. I could hardly tell you.

Q. Yes; we are interested to know. A. I know it; there seems to be a time in the spring, you know, when it is necessary to collect a little money that way; I collected no money; I collected envelopes.

Q. Who asked you to collect the envelopes? A. Mr. Golden.

Q. For whom was the collection made? A. I couldn't tell you; that I do not know.

Q. What were those envelopes? A. Envelopes from business men; plain envelopes.

Q. They contained money, didn't they? A. I suppose so; I do not know; I didn't look inside of them.

By Chairman Lexow:

Q. They had something in them, didn't they? A. Yes, sir; they were sealed.

By Mr. Goff:

Q. Mr. Golden is in the produce business, isn't he? A. Yes, sir.

Q. Was it not a well-known fact to you, and understood by you, that these envelopes were collected for the police? A. I do not know who they were collected for; I couldn't tell you that.

Q. Didn't you have some knowledge about it? A. We suspected something of that kind; wasn't sure of it.

By Chairman Lexow:

Q. When you speak of "we," you mean yourself, don't you? A. Myself; yes, sir.

By Mr. Goff:

Q. Was there not some one else engaged with you in collecting these envelopes? A. Mr. Golden used to collect a few the same way.

Q. Used you to go around among the merchants? A. Yes, sir.

Q. Were you limited to a certain number of merchants or a certain district? A. I used to attend to just the one block, between Washington and Greenwich streets.

Q. That is, both sides of the street? A. Yes, sir.

By Chairman Lexow:

Q. Who told you to attend to that? A. I just done that to accommodate Mr. Golden.

Q. Did Golden ask you to do that? A. Yes, sir.

Q. Who ordered Golden to do that? A. That I do not know; that I do not know anything about.

Q. Never heard? A. No, sir.

By Mr. Goff:

Q. What did you say to the merchants the time you went to collect the envelopes? A. I went and told them that the time has come when they had got to do something; that is the plain of it.

Q. The merchants knew what you were collecting for, did they not? A. They suspected.

Q. They knew you weren't going to give it to an orphan asylum? A. No, sir.

By Chairman Lexow:

Q. You say that was the usual way; what do you mean by the usual way? A. They had been doing it for years; I never did it till two years ago.

Q. You never did it until two years ago? A. Then I used to go and ask them.

Q. Who told you that was the usual way? A. I wouldn't do it any other way; I wouldn't take the money.

Q. You said in answer to Mr. Goff's question that that was the usual way of doing; who told you, or how do you know that that was the usual way of doing the business? A. Because I have heard him speak about it.

Q. Heard who? A. I supposed dozen of men; speak about it around the corner.

Q. Were other men doing the same business? A. I suppose everybody does the same business.

Q. I mean going around collecting? A. No, sir; I never done it.

Q. And telling them to come up? A. I do not know about that.

By Mr. Goff:

Q. What precinct is that block in? A. I could not tell you that.

Q. Do you know where the station-house of that precinct is? A. Yes, sir.

Q. Church street? A. Yes, sir.

Q. Where Captain O'Connor is now? A. I do not know who the captain is.

Q. How many years did you collect those envelopes? A. Two, I believe.

Q. Did you collect the envelopes twice a year? A. No; once a year.

Q. When Mr. Golden told you to collect those envelopes, would he tell you what the envelopes were for? A. Well, they understand that—seemed to, all of them; he didn't tell me; they all seemed to understand it.

Q. You derived no benefit yourself from collecting those envelopes, Mr. Entwistle? A. No, sir.

Q. You simply went around in the neighborhood and gathered the envelopes and gave them to Mr. Golden? A. Yes, sir.

Q. It not being any benefit to you at all, didn't you know what envelopes you were collecting, and what you were collecting them for? A. Well, I supposed it was for something.

By Senator Saxton:

Q. Wasn't there a general understanding there among the merchants and yourselves, as to what was to be done with them—what they were for? A. Yes; I suppose so.

By Mr. Goff:

Q. Wasn't that for the merchants to pay the police for occupying the sidewalk? (Not answered.)

By Chairman Lexow:

Q. Wasn't that the understanding? A. I do not know; we were supposed to have no trouble after that was done, and it is done around the spring of the year, and after that we don't have any trouble.

Q. Do I understand that instead of your paying a rental for sidewalk privileges to the police, you collected the money for them? A. I do not say I collected it for them; I do not know who I collected it for; I simply collected a little money.

Q. You say you had no trouble after you did it; do you mean it was because you made those collections you were not troubled?

A. Whether they got the money or not, I do not know; I do not know who gets it.

By Senator Saxton:

Q. Wasn't that the understanding, that it was for that privilege? A. I do not know about that.

By Senator O'Connor:

Q. Wasn't this the understanding, that by the delivery of these envelopes you weren't obliged to go down to court? A. Yes, sir.

Q. That was the result of it, wasn't it? A. Where it goes to, I do not know.

Q. And if these envelopes were not delivered, you would be compelled to go to court? A. I suppose so.

Q. That was the understanding? A. Yes, sir.

By Chairman Lexow:

Q. You didn't put any money in an envelope, did you? A. Yes, sir.

Q. Yourself? A. Yes, sir.

Q. How much did you put in an envelope? A. Ten dollars.

Q. And handed that envelope with the others to Mr. Golden? A. Yes, sir.

By Senator Bradley:

Q. Put a business card in the envelope? A. No, sir; just the number of the building.

By Chairman Lexow:

Q. Your understanding of that was that you weren't to be disturbed in your sidewalk privileges? A. I couldn't understand anything of the kind, because we don't come in contact with anybody.

Q. What did you pay the \$10 for? A. Simply because we expected to go along smoothly.

Q. With the police? A. I don't say the police, or anybody.

Q. Don't you know to whom your own money went? A. No, sir; I do not.

Q. Don't you know what you were paying it for? A. No, sir; we only understand what we are paying it for; I do not know.

Q. You supposed that you were paying that for the purpose of not being annoyed by the police? A. I do not know.

Q. You supposed, when you were paying this \$10, that you were paying it for the purpose of not being annoyed in your business? A. That is it.

Q. Was there anybody that could annoy you, except the police—anybody in particular? A. No, sir.

By Senator Saxton:

Q. Did you collect at several places along on each side of the street? A. Not everyone.

Q. What class of places did you collect from? A. Produce places, mostly.

By Senator O'Connor:

Q. The business that occupied the sidewalk to a greater or less extent? A. Business on the sides of the street; more or less down the street.

By Mr. Goff:

Q. Did Mr. Golden tell you the particular places to call for the envelopes? A. No, sir; he said I was acquainted better up on that block than he was, and I could attend to that.

Q. And did Mr. Golde collect in another block; is that it? A. Yes, sir.

Q. About how many envelopes did you each collect? A. About five or six; something like that.

No cross-examination.

Thomas Beattie, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. You are a retired policeman? A. Yes, sir.

Q. You served your 20 years or over on the department? A. Served 32.

Q. And what position do you occupy now, Mr. Beattie? A. I am special officer of the New York Life Insurance Company.

Q. And you are now in receipt of a pension from the police department? A. Yes, sir.

Senator O'Connor.—When did he retire, Mr. Goff?

Q. When did you retire, Mr. Beattie? A. September, 1889.

Q. Did you ever loan to any one man any money to help pay for his preferment on the police force? A. Not knowingly.

Q. Did you ever loan any money, and did you afterward learn that it was used for that purpose? A. No, sir.

Q. When you say, "Not knowingly," what meaning do you attach to that, Mr. Beattie—that you did not loan him knowingly? A. Well, I say, not that I know of; I never have.

Q. Did you ever loan any man money who was about to be appointed a sergeant? A. I loaned a man money to help pay off a farm in the country; he lives up in the upper part of the State—what he done with it, I do not know.

Q. That was the purpose that he avowed that he wanted the money for?

Chairman Lexow.—Pay off a mortgage, you mean?

The Witness.—He bought a farm, and he had a mortgage on it, and he asked me to let him have some money, and I done so.

By Chairman Lexow:

Q. How much? A. Six hundred dollars.

By Mr. Goff:

Q. What was that man's name, Mr. Beattie? A. His name was Wavel.

Q. Give me his first name? A. Oscar.

Q. Is he on the force yet? A. I expect so.

Q. Was Oscar Wavel made a sergeant at about the time that you loaned him the money? A. No, sir.

Q. Was he a sergeant at the time? A. No, sir; not for a year after.

Q. What was he, a roundsman? A. Roundsman; he was on Broadway with me, when I was in the business; I think a good bit about the man; do yet; I found him to be always sober, square, good officer, and he came to me two years ago—it will be two years ago 1st of July, and told me he had bought a little place, close by where he was born, and he wanted to pay off a mortgage; there was a mortgage on it, or some indebtedness on it, and he asked me how I was fixed; if I could let him have a few hundred dollars; I told him I could, because I liked the man, and I let him have \$600; he said he was paying 8 per cent., and did not like to pay that; I told him he could have what he wanted from me for 5.

Q. Did you ever state to any person, Mr. Beattie, that you had loaned this man, or any other man, money for the purpose of enabling him to get his appointment as sergeant? A. No, sir.

By Chairman Lexow:

Q. What do you say, Mr. Beattie; do you say no; sure of it? A. I guess I am; I never recollect, if I did.

By Mr. Goff:

Q. Wouldn't you recollect if you did? A. I think I would.

Q. Your memory is not at all failing, Mr. Beattie? A. No, sir.

Q. You look a hale, hearty, vigorous man; did you ever do any collecting for any police official while you were on the force; you know what I mean? A. I do; no, sir; never.

Q. Were you asked to? A. No.

Q. Was there ever a request made of you, Mr. Beattie? A. Collect on the street; no, sir.

Q. Was there ever a request made of you by any of your superior officers—I do not care whom—to visit liquor stores? A. No, sir.

Q. Or other places, for the purpose of making collections? A. No, sir.

Q. Did you ever state to any person that you had been so requested? A. I had a captain once—he is out of the business now—that wanted me to be made special man, or, as you call it, wardman, and he sent for me, called me into his room, and told me what he would like to have, but he didn't have a very good report; I told him I was afraid I wouldn't fill the bill.

Q. What did he say to you, Mr. Beattie, when he sent for you to come into his room? A. Going to give me an easier place and stay on the street; I told him I preferred to stay where I was.

Q. That was, on patrol duty? A. Yes, sir.

Q. When you went there, you understood the duty of a wardman; you understood what was expected of them? A. I have never been there.

Q. But you knew as a policeman, hearing your brothers talk, knew what it was? A. Yes, sir.

Q. And you knew that if you accepted that position from the captain, that it would be part of your duty to him to go around to the liquor stores and places of questionable repute? A. I expected if I filled the bill and held the position, I would have to do what I was told.

Q. You knew that was part of the expected duty of you? A. I expected so; I did not know it.

Q. That was the general understanding among the police officers, wasn't it? (Not answered.)

By Chairman Lexow:

Q. That was the general reputation of what a wardman had to do? A. Yes, sir.

By Senator O'Connor:

Q. And you declined it, on the ground that you didn't want to engage in that kind of work? A. Yes, sir.

By Mr. Goff:

Q. You preferred to be a policeman and do your duty and earn your salary, and nothing more? A. Yes, sir; exactly.

Q. And is it not a fact, Mr. Beattie, that it is a matter of common knowledge among the policemen who were on the force during your time, that the wardman was expected to visit liquor stores, houses of ill-fame, gambling places and other houses of ill-repute in his neighborhood, for the purpose of collecting money for the captain? A. That is common rumor; more than that, I do not know.

Q. That is common knowledge? (Not answered.)

By Chairman Lexow:

Q. It is not only common rumor in this community, but it is a thing that is understood in the force itself? A. That is it.

By Senator Saxton:

Q. You haven't any doubt but that it is so, have you, that that is the duty of the wardman? A. Not the least.

By Senator Bradley:

Q. Did you ever see any of them going into any of those places for the purpose of collecting money? A. No, sir; but Broadway is full of stores and trucks and business houses, and my business was from 6 to 6.

Q. You never saw them collecting anything, or going around for the purpose of collecting money from the houses? A. No, sir.

Q. You never saw the occupants of these houses complaining or talking about having paid money? A. Not when I was there; because I wouldn't allow it.

By Chairman Lexow:

Q. Do you know of other policemen who have refused to be wardmen, under the same conditions that you have? A. Not that I can think of.

Q. You do not know of any other person who has been offered the position of wardman, and refused it upon the same grounds that you have? A. I can not recollect now; my duty was on Broadway; it was between Reade and Franklin streets; I was there for 27 years in the dry goods neighborhood; consequently it was all day work, and I preferred to stay there, sooner than take any other place.

Cross-examination by Mr. Ransom:

Q. I want to ask Mr. Beattie to give me the time, if he can, when he had the talk with the captain about being a wardman; how many years ago was it? A. It must be 14 or 15 years.

Q. The captain is dead? A. Yes, sir.

John H. Gunner, being called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Your father was at one time police captain? A. Yes, sir.

Q. What was the number of the precinct then? A. Twenty-fifth, I believe.

Q. Did you attend a funeral at St. George's recently? A. I did.

Q. Funeral of Virginius Dabney? A. Yes, sir.

Q. Did you state to a person at that funeral that the captain who succeeded your father had to pay for his appointment? A. I did not.

Q. Did you state to any person, male or female, at that funeral, either at St. George's Church or at any other place, in connection with the funeral, that the man who succeeded your father had to pay the sum of \$18,000 for his appointment? A. I did not make that remark as stated.

Q. Did you say anything at all like that, Mr. Gunner—anything in substance? A. I said something in regard to it, but not that remark.

Q. Will you please tell us what you said? A. I consider myself in honor bound not to voluntarily disclose conversations among gentlemen.

Chairman Lexow.—You are under oath. I understand Mr. Gunner is here under subpoena.

Mr. Goff.—He is, and very unwillingly.

The Witness.—I attended the funeral of Mr. Virginius Dabney. I did not have the pleasure of knowing him very long, but sufficiently to respect him a great deal, and as I had always been a deputy collector, and noticing the account of his death, as a matter of respect to Mr. Dabney I attended the funeral at St. George's. Of course, there was no conversation held in the church, during the services. Immediately after the service was concluded I, together with some others—we were the guests of a certain gentleman—we proceeded to O'Neill's restaurant and oyster-house, Sixth avenue and Twenty-second street, and as the papers were teeming at that time with these matters, and full of accounts with Mr. Parkhurst, and the others of his people,

of course it naturally come up in the conversation, and the remark that I did make was this, that I thought many of the charges that were made against the police seemed to be ridiculous to me, while there might be some trouble here and there. I said, "Take, for instance, my father's case." I said, "Thirty years a police officer, 20 of which he was captain, and his eyesight commenced to fail toward the end. He retired voluntarily, and wasn't retired until the age limit, and," I said, "there was remarks that he was forced out by the commissioners, and his successor had to pay \$18,000." That is the only remark I made like that.

Q. Then you did hear rumors of that kind; you wouldn't have said so unless you did hear rumors? A. I think it was a squib somewhere in the papers.

Q. Had you any more specific information than the mere rumor? A. No; because I thought the price was simply ridiculous; a young fortune.

Q. That is what I think, too. A. Then we agree on that.

Q. The statement having been attributed to a gentleman in your position, we naturally thought that you had some specific information to found such a remark on? A. No, sir; in my father's 30 years' experience in the police business, I don't suppose that I was 30 times in the station-house where he was stationed, and as regards headquarters, I know very little about the police affairs; I didn't come into politics until our people had very little to say, and then, of course, I made very few trips to headquarters.

No cross-examination.

Carlos Capalita, a witness called on behalf of the State, being duly sworn, testified as follows:

Mr. Ransom.—I suggest that you inquire of this man as to his understanding of the oath he has taken.

By Chairman Lexow:

Q. Do you understand the oath that you have taken? A. Yes, sir.

Q. Do you understand that you must tell the truth? A. Yes, sir.

Q. Do you understand that you are sworn to tell the truth? A. Yes, sir.

By Senator Bradley:

Q. (Exhibiting Bible.) Do you know what that is? A. That is all the truth.

Q. What is this book? A. That is to tell the truth.

Q. What is this book? A. I do not know.

By Chairman Lexow:

Q. The Bible? A. Yes, sir.

By Senator Bradley:

Q. Do you know what that is there? A. Yes, sir.

Q. What is that? A. That is the God.

Direct examination by Mr. Goff:

Q. What is your business, Capalita? A. Fruit dealer.

Q. And where is your store? A. Corner West and Cortlandt streets.

Q. What is it, a stand or a store? A. Stand.

Q. Now, Carlos, how much did you pay the police for keeping your little stand on the sidewalk? A. About nearly \$200.

By Senator Bradley:

Q. A year? A. Last year; not before.

Chairman Lexow.—Last year only; he hadn't paid before.

By Mr. Goff:

Q. To whom did you pay the money? A. I know the man; one; they call him Hickey; I do not know the other one man, because I have been in Europe since; I left there for about four months.

By Chairman Lexow:

Q. Where is your fruit stand? A. Corner West and Cortlandt streets.

Q. Does it encroach on the sidewalk? A. Yes, sir; just on the sidewalk; just on the street.

By Mr. Goff:

Q. What was the other man's name; wasn't it Gallagher? A. I think it is Gallagher; yes.

Q. These were wardmen? A. The wardmen.

Q. And what did Hickey say to you? A. Well, always been kicking all the time; that is what he want.

Q. He was kicking all the time? A. Always kicking.

Q. They belonged to the police station in Church street? A. I think so; yes, sir.

Q. Well, Hickey was kicking, you say? A. Yes, sir.

Q. What did he say; did he say that he wanted money from you? A. No; all he say was, "Too much on the sidewalk; too much this; too much that;" and when he got something, he kicked no more.

Q. Did he ask you for money? A. No; he never asked me for money.

Q. How did you come to give him money? A. Of course, when you give him a little money, he wouldn't kick so much.

Q. Did you give him money every time he kicked? A. No, no; no; only once.

Q. How much did you give him? A. About \$10.

Q. To whom did you give the balance, \$190? A. Not quite by Gallagher and another man; I do not know the other man at all.

Q. How much did you give the other man? A. About \$35.

Q. You said he kicked, too? A. He used to kick, too.

Q. And to whom did you give the balance of the money? A. Gallagher.

Q. Did he kick, too? A. Of course.

By Senator Bradley:

Q. Kicked with the right foot, didn't he? A. He kicked with the right foot.

By Mr. Goff:

Q. Every time he kicked did you give him money? A. No, no, no.

Q. How much used you to give him at a time? A. Twenty-five dollars.

Q. Twenty-five dollars? A. Yes; sometimes.

Q. What did he tell you he wanted the money for? A. He said he would let me alone; I can rest as long as I give him the money.

Q. Were you ever arrested, Carlos, for occupying the sidewalk? A. No.

Q. Used they to take your fruit, as well? A. Yes.

Q. Help themselves to your oranges? A. Sometimes, some of them.

Q. And to your apples? A. Some of them.

Q. Never pay you for it? A. No.

Q. Then you say that in one year you had to pay \$200 to the police? A. Yes, sir.

Q. For your little stand? A. Yes, sir.

Mr. Ransom.—He said Hickey and Gallagher.

Chairman Lexow.—They are wardmen—besides, fruit contributions.

Mr. Goff.—To the police named.

Mr. Ransom.—He has said two by name, and another.

Q. When did you make the last payment, Carlos? A. Before New Year's—before Christmas; about a month before Christmas.

Q. Did you make them any presents at Christmas? A. No; never.

Q. How is it that they do not come around to you now kicking? A. I never see them since.

Q. They don't go near you now? A. No, sir.

Q. Nobody disturbs you? A. Not yet.

Q. You expect to be? A. I guess so; I don't know.

By Senator Bradley:

Q. When do you expect them to come around again? A. I do not know; maybe any day.

Joseph V. De Rosa, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Where do you reside? A. One hundred and ninety-one Mulberry.

Q. And where are you employed? A. V. J. McCann, 210 Bowery.

Q. Hat store? A. Yes, sir.

Q. You have had a good many policemen as customers, haven't you? A. Yes, sir.

Q. Do you remember about a month or so talking to a policeman about your business, about your trade? A. Yes.

Q. What policeman was it? A. Mr. John Flatly.

Q. Of what precinct? A. Tenth precinct.

Q. That is the station-house in Elizabeth street, is it not? A. In Mulberry.

Q. Now, tell the committee what Mr. Flatly and yourself talked about; just give the conversation as it occurred, as nearly as you can recollect it? A. Well, I was on my way home, and as I passed the station-house, Mr. Flatly was coming up toward my way; I had to pass him to go home, you know, and I passed Mr. Flatly, and Mr. Flatly said, "Good evening; good evening; what are you doing out so late;" it was on Saturday night, you know, and being a Saturday night, we close up late; it was around 1 o'clock, and Mr. Flatly said, "Say, how is it that I hear that our bill was refused by Mr. McCann?"

Q. Our bill? A. Our bill; "I heard that our bill was refused to be signed by Mr. McCann;" I said, "What bill is that;" he said, "That is the police bill;" I said, "I do not know anything about it."

Q. The police bill? A. Yes; I said, "I do not know anything about it;" "Well," he says, "well, I heard two of our fellows were around, and that it was presented to Mr. McCann, and he refused to sign;" I said, "I do not know anything about it, sir;" "Well," he said, "we have been requested by the house not to come there any more."

By Senator Saxton:

Q. By the house? A. By the house.

By Mr. Goff:

Q. What did you understand by the house at the time? A. I supposed by his superior.

Q. Did you understand the house to mean the station-house? A. Station-house.

Q. Wasn't there something said about there being a number of officers customers of your store before that? A. There were quite a number came previously before the request was made, but since then but few of them have come.

Q. When you speak about the police bill, you mean it was a petition in favor of the bill raising the policemen's salary; is that the one? A. Yes, sir.

Q. And Mr. McCann, as you were informed by the policeman, declined to sign it? A. Yes, sir; Mr. McCann never seen the bill.

Q. But the policeman believed that he refused to sign it? A. Yes, sir.

Q. And for that this policeman said they were requested by the house not to patronize your store any more? A. Yes, sir.

John J. O'Brien, being duly affirmed, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. Janitor and caretaker of property generally.

Q. Where are you employed? A. At present in Harlem.

Q. Did you complain to the police about any houses of ill-fame in your neighborhood? A. Not where I am at present.

Q. Before you were in Harlem? A. Yes, sir; Thirty-ninth street; I had some property in Thirty-ninth street.

Q. Near what avenue? A. Between Seventh and Eighth.

Q. That is in Captain Houghney's precinct? A. I do not know who is captain of it.

Mr. Goff.—That is Captain Price's, the Twentieth.

Q. Did you complain of more houses than one, Mr. O'Brien?
A. One was the principal one.

Q. What one was that? A. Two hundred and fifty-two.

Q. Thirty-ninth street—West Thirty-ninth street? A. Yes, sir.

Q. What was the madame's name? A. Nettie Grant, or Ettie Grant.

Q. What was the cause of the complaint, the immediate cause?
A. Well, the property-owners in the immediate neighborhood wanted a committee appointed for to go down—a sort of delegation, to go down and see the captain of police, concerning the noise occasioned there in the early morning hours, with cabs and rows and such like.

Q. And it was a great disturbance to the neighborhood? A. Yes, sir; a constant disturbance.

Q. Did you visit the police captain? A. Yes, sir.

Q. What captain was it? A. I couldn't tell you.

Q. What conversation had you with him? A. We told him about the disturbance—the noises.

Q. What street was the station-house in? A. Thirty-seventh street.

Q. West Thirty-seventh street? A. Yes, sir.

Q. What did the captain say? A. Well, he said it would be attended to; that is all the satisfaction we got.

Q. How long was that ago? A. That was in the fall of 1890.

Q. Was it attended to? A. Well, the noises ceased; the shutters were kept closed for awhile.

Q. Did you have any talk with Madame Grant? A. Yes; she sent a messenger boy in for me, to talk; I did not know who it was that sent the messenger boy, but he said a lady wanted to see me outside; she came down from the direction of Seventh avenue, and she introduced herself to me; she only lived across the street, but she come from that distance, apparently, dressed up; she wanted to know the reason why I was squeezing her or trying to shove her to the wall; I told her I did not know anything about it; I wanted to know what she meant.

Q. Well? A. Well, she said they had been complaining to the police; I said, "All right; look at the noises; the way these things are carried on, it has got to stop;" she said, "Don't you know that everything you do, that it raises the ante;" I told her I didn't know anything about that; I had to look after the property I had in charge; look after my own business.

Q. Was that all the conversation you had with her? A. That is, about; or, at least, she told me that she had a lease of the premises.

Q. She had a lease? A. Yes, sir.

Q. Was that the only time you saw her? A. That is the only time I ever spoke to the madame.

Q. Do you know anything of any women being accosted upon the street by policemen, and accused by policemen of immoral practices? A. I did know of such, some eight or nine years ago.

Q. To your knowledge, were they reputable or disreputable women? A. They were respectable working women, making overtime at night.

Q. Do you know whether any demands were made for money? A. Yes; and one girl told me it was safer to turn up a dollar or so if she had it in her clothes, than go before a magistrate and be locked up.

Q. Did you know the girl? A. I did.

Q. Was she a decent girl? A. A respectable girl; hard worker; steady worker.

No cross-examination.

By Senator Bradley:

Q. Did the madame say anything to you about how much she had to put up; mention any sum? A. No, sir; all she said on that subject was that every time the police interfered with her, the ante was raised.

Fred M. Dudley, called as a witness on behalf of the State, being duly sworn, testified as follows:

Q. What is your business, Mr. Dudley? A. I am at present cashier and bookkeeper for J. M. Voorhees, 179 Reade street; I was originally with the firm of J. W. Dudley & Company, 180 Reade street.

Q. Is that the firm that you are with now? A. No, sir; I am with J. M. Voorhees now.

Q. What business? A. Produce business.

Q. What position do you occupy, Mr. Dudley? A. Cashier and bookkeeper.

Q. How much money does your firm pay to the police, Mr. Dudley—how much money? A. My present firm—the firm I am with?

Q. Yes. A. I couldn't tell you.

Q. The firm which you were with? A. J. W. Dudley & Company?

Q. Yes. A. We paid \$25 a year—that is, for two years.

Q. How long ago is it, Mr. Dudley, that you left that firm of J. W. Dudley & Company? A. That firm has dissolved three years ago; I was a member of the firm.

Q. Mr. Dudley, you paid \$25 a year for two years? A. Yes, sir.

Q. To what policeman? A. Mr. Kelly, the ward policeman; he wasn't a policeman.

Q. Did you pay him personally? A. Yes, sir; I paid him personally.

Q. Did he say anything to you about the use to which the \$25 was to be applied? A. I tried to compromise with him; I said the original firm had only paid about \$15.

Q. That is the firm that occupied the premises before your firm? A. Yes; and of course I didn't want to pay any more than anybody else on the street, and so I kept him coming there for about a week, until I could ascertain how much the rest were paying, and I found out they were all paying \$25, and I believe the other firm paid him \$15, and I tried to compromise with him on \$15, and he said the captain was a new man there; he had no jurisdiction, and it was the captain that made the sum, and it was necessary to pay \$25, and he couldn't do any better.

Q. And in your inquiries during this week, Mr. Dudley, you found that the merchants all around your neighborhood were paying \$25? A. Yes, sir.

Q. And when you urged upon him the propriety of accepting \$15, he told you that he had no jurisdiction in the matter; that the captain fixed the sum? A. Yes, sir; said it was a new captain.

Q. He had nothing to do but collect? A. Yes, sir.

Q. And that it was a new captain? A. Yes, sir.

Q. Did he tell you what form to pay the money in? A. I gave him the money, got it out in bills, and he gave it back to me and said I would have to put it in an envelope.

Q. Did he say anything about putting in your card? A. Our business address was on the envelope.

Q. And then you took the \$25 and folded it in an envelope and handed it to him? A. Yes, sir.

Q. And you did that each time? A. I did that each time; yes, sir.

Mr. Ransom.—I would like to know when that was?

By Chairman Lexow:

Q. When was this? A. I think it was in the month of April.

By Mr. Ransom:

Q. What year? A. It is just three years ago.

Q. This last April? A. Yes, sir.

Q. Who was with you when you paid Kelly the money? A. I was alone in the office.

Q. At your office? A. Yes, sir.

Q. What number Reade street? A. One hundred and eighty.

By Chairman Lexow:

Q. Was that the last payment you made? A. That was the last payment; the firm was dissolved.

Q. You have had no occasion to make payments after that?

A. No, sir.

By Senator Bradley:

Q. Nobody called on you in this firm for any money? A. No, sir; not this firm.

Martin Burke, called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Where is your place of business? A. Thirty-nine Little West Twelfth street.

Q. What is your business? A. Fruit business.

Q. How long have you been there, Mr. Burke? A. Close on to 10 years.

Q. Produce business? A. Fruit business.

Q. You occupy the sidewalk more or less in that business, Mr. Burke? A. Very little.

Q. Some? A. I occupy the stoop line more; not very much on the outside.

Q. You have never been troubled by the police, have you? A. No, sir.

Q. Have you ever been summoned to court? A. Yes, sir.

Q. Did you ever pay a fine? A. Yes, sir.

Q. Sum of money? A. One.

Q. How long is that ago? A. Oh, it is about four or five years ago.

Q. Have you ever been summoned to court since? A. Yes, sir.

Q. Did you pay a fine? A. No.

Q. How was your case disposed of? A. Dismissed the complaint—the Judge did.

Q. Whom did you go to see the last time you were subpoenaed before the Judge? A. Whom did I go to see?

Q. Yes; to fix it for you, you know? A. Nobody.

Q. Did you go to court yourself? A. Yes, sir.

Q. And defend your own case? A. Yes, sir; had a good case.

Q. Didn't see a soul? A. No, sir.

Q. Didn't you have any lawyer? A. No, sir.

Q. Didn't need a lawyer? A. Didn't need a lawyer.

Q. Did the police officers testify against you? A. He swore that he see me; that the truck was there taking off, and taking fruit off others.

Q. And were you put under oath? A. Yes.

Q. You denied that? A. No; I did not deny it.

Q. You admitted it? A. I said we were taking off fruit, and that we were receiving fruit and shipping it the same time; all came together.

Q. Was that the only time that you were summoned to court, and nothing was done with the case? A. That was the only time; I was only summoned twice to court.

Q. Once you were fined, four or five years ago? A. Yes, sir.

Q. How much? A. I guess it amounted to about \$11 and some odd cents.

Q. And since then you have been summoned, once, and the Judge dismissed the case? A. Dismissed the case.

Q. That was the Third District Court, before Judge Moore? A. No; before Judge Dean.

Q. Before Judge Moore went on; the same courthouse? A. Yes, sir.

Q. Isn't it a fact, Mr. Burke, that the police officers there are all very friendly with you? A. Friendly in a way.

Q. You are a member of the general committee of Tammany Hall, are you not? A. No, sir.

Q. Have you never had your name on there? A. No, sir; my name is not there.

Q. You pay your contribution? A. Not a cent.

Q. How did your name come on there? A. I do not know.

Q. Did you ever attend any of the meetings? A. No, sir.

Q. Where do you live? A. Eighty-one Jane street.

Q. That is in the same district? A. I do not know who put my name on there; I didn't authorize anybody to put my name on there.

Q. Did you ever buy tickets? A. No, sir.

Q. For chowders? A. If I wanted to go on chowders.

Q. For the district club, you know? A. Never went on one of the district club's chowders.

Q. Never bought tickets? A. Not for them.

Q. Never made any contributions? A. No, sir.

Q. At election time? A. No, sir.

Q. Or at Christmas time? A. No, sir.

Q. Ever been asked for any? A. Never been asked for any.

Proceedings of the thirty-fourth session of the committee, Thursday, June 28, 1894, at 10:30 a. m.

Present.—Sénators Clarence Lexow, Charles T. Saxton, Edmund O'Connor, George W. Robertson, Daniel Bradley and Jacob A. Cantor; John W. Goff and W. Travers Jerome, of counsel for the committee; Rastus S. Ransom and Delancey Nicoll, of counsel for the police board.

Mary Kelly, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

- Q. Are you the wife of Officer James Kelly? A. Yes, sir.
- Q. Raise your voice, please? A. Yes, sir.
- Q. Has he been retired from the force? A. Yes, sir.
- Q. He was wardman in the Leonard street police station, wasn't he? A. Yes, sir.
- Q. For how many years, Mrs. Kelly? A. Three years.
- Q. Where do you reside? A. Seventy-eight Bedford.
- Q. Seventy-eight Bedford street? A. Yes.
- Q. Where is Mr. Kelly? A. I couldn't tell you.
- Q. Will you please raise your voice? A. I couldn't tell you.
- Q. Just think you are talking to Mr. Kelly? A. Yes, sir; I didn't come here for a laugh, though.
- Q. When did you last see him, Mrs. Kelly? A. Three weeks ago.
- Q. Where was he when you last saw him? A. In the house.
- Q. Where has he left that? A. I can't tell you.
- Q. Where did he go to? A. I could not tell you.
- Q. Did he say anything when he was leaving? A. No, sir.
- Q. Did he take any baggage with him? A. No, sir.
- Q. Have you heard from him since he left? A. No, sir.
- Q. Is he living? A. Yes, sir.
- Q. How do you know? A. I suppose so.
- Q. Do you only suppose so? A. Yes, sir.
- Q. Then why did you swear he was living if you did not know anything about it? A. If he was dead I would hear of it.
- Q. How would you hear if he was dead? A. Somebody would tell me.
- Q. How would you know, if he was among strangers? A. I can't tell you.
- Q. You mean some one where he is would tell you? A. Yes, sir.
- Q. Where is he? A. I couldn't tell you.
- Q. You know the people around where he is, don't you? A. I don't know where he is.

Q. You know the people? A. No, sir.

Q. Why did you say you would be told by some one if anything happened? A. Well, he would tell the parties where he is.

Q. That is, if he is dead, he would tell the parties where he is? A. No, sir; he wouldn't tell if he was dead; while he would be living he would tell them.

Q. If they were strangers, and he went away somewhere? A. It don't make any difference; he would tell them.

Q. You are sure of that? A. Yes, sir.

Q. Did he go away in the day or the night? A. In the day.

Q. Did he take any baggage with him? A. No, sir.

Q. Did you know he was going away for any length of time? A. I did not.

Q. When did you get your last letter from him? A. I didn't get any.

By Mr. Goff:

Q. You mean to swear here that you do not know where your husband is? A. Yes, sir.

Q. And you have never heard where he is? A. No, sir.

Q. Anybody tell you where he is? A. No, sir.

Q. How many children have you, Mrs. Kelly? A. Six.

Q. How old is the oldest child? A. Twenty-three.

Q. Son or daughter? A. Son.

Q. Does he know where your husband is? A. No, sir; I don't think so.

Q. Does he live with you? A. Yes, sir.

Q. Does your daughter live with you? A. Yes, sir.

Q. Do they receive letters from your husband? A. No, sir.

Q. So he went away, and you don't know where he went to? A. No, sir; he did not tell me where he was going.

Q. You don't think he went to commit suicide, do you? A. I couldn't say.

Q. But you have not taken any pains to find out, have you? A. No, sir; I can live.

Q. You are satisfied he is all right, wherever he is? A. Yes, sir.

By Chairman Lexow:

Q. Have you made any search for him? A. No, sir.

Q. Or your son? A. No, sir.

By Senator O'Connor:

Q. Do you suspect where he is? A. No, sir.

Q. No suspicion in your mind where he is? A. No, sir.

By Mr. Goff:

Q. You have made up your mind to answer every question "No, sir," haven't you; isn't that the truth; isn't it? A. Yes, sir.

Q. You have made up your mind to answer "No, sir," to every question? A. Yes, sir.

By Chairman Lexow:

Q. Do you mean that, Mrs. Kelly? A. Yes.

Q. That you are going to answer "No" to every question? A. Yes, sir.

Q. Whether it is true or false? A. I don't know where the man is; I can't say.

Q. Do you mean to say you went on the stand with the intention of answering "No" to every question that was put to you? A. Well, any question that was put to me I could not answer it.

Q. You don't mean to perjure yourself here, do you? A. No, sir.

Q. Was the thing fixed between you and Kelly, your husband, that you should not know where he is; it was fixed, wasn't it? A. No, sir; I don't say so.

Q. Was there an understanding you should not know where he was, for the purpose of this investigation? A. No, sir; I don't know anything about it.

By Mr. Goff:

Q. Had you heard his name mentioned in the papers in connection with this investigation before he went away? A. No; not before he went away; I have not seen it.

Q. What time of the day was it he went away? A. I couldn't tell you the exact time.

Q. Was it before dinner? A. I couldn't tell you the exact time.

Q. When did you last see him, Mrs. Kelly, on that day? A. In the morning.

Q. In the morning, at breakfast? A. Yes, sir.

Q. Ate breakfast together as usual? A. Yes, sir.

Q. And he has not been doing anything for some time? A. No, sir.

Q. Living on his pension? A. Yes, sir.

Q. And on his means? A. Yes, sir.

Q. All your family breakfast together? A. Yes, sir.

Q. And he did not say anything at the breakfast about his intention of going away, did he? A. No, sir; he did not.

Q. He did not ask you to prepare his clothing for him? A. No, sir.

Q. Or pack up his traveling bag? A. He didn't take any.

Q. Then you saw him when he went away? A. Yes; I saw him when he went away; but he did not say where he was going.

Q. What direction did he go? A. I could not tell you; I did not look after him.

Q. How did you know he was going away? A. He went out and said he was going away.

Q. And you, as a wife and mother, didn't you feel curious to know where your husband was going when he said he was going away? A. Yes.

Q. Did you feel curious; did you ask him, as a good wife asks her husband, "Where are you going, James;" didn't you say that to him? A. Yes.

Q. What did he say? A. He said he was going out.

Q. You said he was going away a moment ago? A. Yes.

Q. When he said he was going away, did you not feel a little anxious about him? A. Yes, sir.

Q. Didn't you ask him what he was going away for? A. Yes, sir.

Q. What did he say? A. He didn't tell me where he was going.

Q. What did he say when you asked him what he was going away for? A. He said he was going on business.

Q. Out on business? A. Yes.

Q. Did you ask him how long he would be? A. No, sir; I did not; he went out many a time before, and I never asked him.

Q. Yes, I know; was your husband in the habit of having his meals with the family? A. Yes, sir.

Q. Did you ask him if he would return to dinner? A. No, sir.

Q. Did you ask him if he would return to supper? A. No, sir.

Q. When he did not return to dinner, did you feel a little anxious about his absence? A. Yes.

Q. Did you send out to inquire about him? A. No, sir; I did not.

Q. Did you speak to your children about their father's absence? A. Yes, sir.

Q. What did you say; what did you say to your children? A. I said I wondered when he would come back.

Q. Wondered when he would come back? A. Yes, sir.

Q. Then you knew he had gone away for some time, didn't you? A. Yes, sir.

Q. Well, that is the truth now, Mrs. Kelly; didn't it alarm you a little that he should go away for some time without any reason?

A. No, sir; he has often been away before.

Q. But he has not been away for the last two years, has he? A. Yes, sir.

Q. How many times? A. Well, summers; every summer he has been away.

Q. Where did he go last summer? A. He went to Binghamton.

Q. To Binghamton? A. Yes.

Q. And did he go there the summer before? A. No, sir.

Q. Have you friends in Binghamton? A. Yes, sir.

Q. Relatives? A. Yes, sir.

Q. What are their names? A. Mrs. Dacey.

Q. Mrs. Dacey? A. Yes.

Q. Have you visited Mrs. Dacey yourself? A. No, sir.

Q. And where did he go the summer before? A. To Bridgeport.

Q. Bridgeport, Conn.? A. Yes, sir.

Q. And visited friends there? A. Yes.

Q. Who are the friends he visited there? A. Mr. Maloney.

Q. Did you go with him the summer before to Bridgeport? A. No, sir.

Q. Did you go with him to Binghamton? A. No, sir.

Q. You heard from him while he was with Mr. Maloney, didn't you? A. No, sir.

Q. Did you hear from him while he was in Binghamton? A. No, sir.

Q. How long did he stay in Binghamton? A. A week.

Q. How long did he remain in Bridgeport? A. Two weeks.

Q. He told you when he was going away to each of those places where he was going to? A. Yes, sir.

Q. Isn't it strange he should go away three weeks ago without telling you where he was going to this year? A. Yes.

Q. You thought it strange, didn't you? A. Yes, sir.

Q. And didn't you say to the subpoena-server, who endeavored to serve a subpoena, that they could catch him if they could? A. No, sir; I did not.

Q. What do you say? A. I didn't say anything of the like.

Q. Didn't you open your mouth at all? A. I did; I said I would not take the subpoena; it was not for me; but I did not say that.

Q. What else did you say? A. That is all.

Q. Didn't he ask you where your husband was? A. Yes, sir.

Q. What did you say to him? A. Said he was out.

Q. Didn't he ask you when he would return? A. Yes.

Q. What did you say to that? A. I said I couldn't tell him.

Q. Did he ask you how long he had been out? A. No, sir; he did not.

Q. Did he ask you anything else? A. No, sir.

Q. Didn't he ask you to tell him where your husband was? A. No, sir.

Q. Didn't you tell him, Mrs. Kelly, that he could not get your husband? A. No, sir; I did not.

Q. Or words to that effect? A. No, sir; I never said such a thing.

Q. Didn't you say if the subpoena-server could catch you or your husband, it would be all right? A. No, sir; I never said such a thing, and I have a proof I never said such a thing.

Q. Are you telling the truth now? A. Yes.

Q. The same as you have been, since you have been in the witness chair? A. No, sir.

Q. And you have told nothing but the truth since you have been in the witness chair? A. No, sir.

Q. You believe in a hereafter, don't you, Mrs. Kelly? A. Yes, sir.

Q. And you entertain religious scruples, don't you? A. Yes, sir.

Q. Religious beliefs? A. Yes, sir.

Q. Now, with the knowledge of your religious belief, and the belief in the hereafter, you again say you have told nothing but the truth on this chair? A. Yes, sir.

Q. Well, if you can stand it, I can. A. Yes, sir.

Q. Do you know how long your husband was on the police force? A. Yes, sir.

Q. How long? A. Over 20 years.

Q. And he never rose above the rank of patrolman, did he? A. No, sir.

Q. And his pay was how much a year? A. One hundred dollars a month.

Q. That is \$1,200 a year; and your family consists of how many children? A. Six.

Q. Six children, and yourself and your husband? A. Yes, sir.

Q. Have you kept your servants, or did you do the work? A. No, sir; I have not.

Q. You have done the work of the family, Mrs. Kelly? A. Yes, sir.

Q. Do you own the house you live in? A. No, sir.

Q. Do you own any property? A. Yes, sir.

Q. Where is the property that you own? A. In Brooklyn.

Q. What property is it? A. A house.

Q. Give me the number, please? A. Two hundred and forty-one.

Q. Two hundred and forty-one what street? A. Twenty-fourth.

Q. Two hundred and forty-one Twenty-fourth street? A. Yes, sir.

Q. Is there a frame or brick house on there? A. A frame house.

Q. Do you own any other property? A. No, sir.

Q. Is that the only property that you own? A. Yes, sir.

Q. How much did you pay for that, Mrs. Kelly? A. Seven thousand dollars.

Q. Seven thousand dollars in cash? A. No, sir.

Q. How did you pay for it? A. I belonged to the building association.

Q. What building association? A. In Brooklyn.

Q. What is the name of it? A. The Cooperite (cooperative) right at Twenty-fourth street and Third avenue.

Q. The Cooperite Building Association? A. Yes, sir.

Q. Twenty-fourth street and Third avenue? A. Yes, sir.

Q. Is the house all paid for, Mrs. Kelly? A. No, sir.

Q. How much is paid on it? A. Two thousand dollars, there might be; I can't positively say.

Q. As near as you can recollect? A. Yes, sir.

Q. Is that all the real property you own? A. Yes, sir.

Q. Has your husband any real property, any real estate? A. No, sir.

Q. When did you commence to pay in on that? A. About four years ago, to the best of my opinion.

Q. Four years ago? A. Yes, sir.

Q. You have a bank account? A. No, sir.

Q. Has your husband a bank account? A. No, sir.

Q. Have you got any bonds, Mrs. Kelly? A. Sir?

Q. Haven't you a savings bank account? A. No, sir.

Q. Did you ever have one? A. No, sir.

Q. Nor your husband? A. No, sir.

Q. Nor any of your children? A. No, sir.

Q. Have you got any United States bonds? A. No, sir.

Q. Or any certificate of deposit in a trust company? A. No, sir.

Q. Or your husband, to your knowledge? A. No, sir.

Q. Your husband never brought in any money to you except \$100 a month? A. Not at all.

Q. What? A. No, sir.

Q. That is the only money he brought in to you? A. That is all.

Q. And of course it is natural to expect he kept a little of it for his personal expenses? A. I suppose so.

Q. How much did he give you? A. He gave me enough to live on.

Q. About; averaging? A. Yes; my family is all big and able to help me, too; they are not small; my son is on the police; they

are all grown up children; I am not dependent, exactly, on Mr. Kelly.

Q. You have a son on the police? A. Yes, sir.

Q. That is your oldest boy? A. Yes, sir.

Q. How long has he been on the police? A. Nine months—eight or nine.

Q. What is his Christian name? A. James P. Kelly.

Q. And you say that, so far as you have any knowledge, your husband has no property? A. No, sir.

Q. Of any kind? A. Only what I told you.

Q. I am asking you now, he has no property of any kind? A. No, sir.

Q. Or moneys? A. No, sir.

Q. Or bonds, or real estate, or mortgages? A. No, sir.

Q. He owns nothing? A. No; naught but that.

Mr. Goff.—That is all, Mrs. Kelly.

Chairman Lexow.—That is all; the next witness.

Mr. Goff.—I don't wish to go into an inquiry of Mrs. Kelly's property, except for the fact that inasmuch as there has been so much testimony before this committee, touching the amount of money collected by Officer Kelly, it is a material question where that money went, whether it stuck with Kelly, or went beyond him.

Chairman Lexow.—Only, I should think, because if the evidence shows, as it does here, that Kelly has not got anything, it would seem to imply it went higher.

Charles W. Miller, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your trade, Mr. Miller? A. I am a salesman for an electric concert; Mr. George A. Haggerty is the firm I represent.

Q. Now, will you please think that we all have to hear you, and it will save us a little labor if you will be good enough to raise your voice; Mr. Miller, did you ever make application for appointment on the police force? A. Yes, sir.

Q. How long ago? A. I think it is about four years ago.

Q. To whom did you make the application—any particular commissioner? A. Commissioner John McClave.

Q. Did you pass your civil service examination? A. Yes, sir.

Q. And do you remember what rating you got? A. The first examination I went through I passed at 81.40 per cent.

Q. And did you pass your physical examination successfully? A. Yes, sir.

Q. Now, did you pay any money to any person? A. Yes, sir.

Q. To whom did you pay money? A. To Captain Warts.

Q. Captain Warts? A. Yes.

Q. How much did you pay Captain Warts? A. Three hundred and fifty dollars.

Q. What did you pay him that money for? A. For getting me a position as patrolman on the police force.

Q. To get the position of patrolman on the police force? A. Yes.

Q. Did Captain Warts say to you that—well, I ask you to say what he said; I won't put the words in your mouth? A. I was recommended to him by another man, and he told me it was necessary for a man to get on the force.

Q. Captain Warts? A. Yes.

Mr. Nicoll.—As I understand it, Captain Warts is dead; he died the other day.

The Witness.—Yes, sir.

Mr. Nicoll.—Under such circumstances, will the committee take such evidence?

Chairman Lexow.—It is a part of the system. We are not attacking individuals here; we are ascertaining systems.

Mr. Nicoll.—Does not the propriety or impropriety of taking conversation with a dead man suggest itself to the committee?

Chairman Lexow.—It would be incompetent in a legal proceeding, but it is perfectly competent here.

Mr. Goff.—It is unfortunate if we should have to be debarred of our rights by the hand of Providence taking away the life of Captain Warts; the evidence remains the same.

Q. Repeat what Captain Warts said to you? A. He told me it was necessary for a man to get a position as patrolman, that you would have to put up some money; I asked how much; he said, \$350; not only Captain Warts, but several other men said the same thing, and I—

Q. When you speak of several other men, do you mean other men applying for the position of policemen? A. Policemen.

Q. Do you know any? A. Well, I don't know that I can call any particular ones; there is one that was in police headquarters; he is also dead.

Q. I beg your pardon? A. The gentleman who was in police headquarters is also dead; he is the one that gave me the most points in regard to police appointments.

Q. What was his name? A. George Richards.

Q. George Richards? A. Yes.

By Chairman Lexow:

Q. Was that the secretary? A. Yes; of the commissioner.

Mr. Nicoll.— Who was he?

Mr. Goff.— George Richards, the secretary of Mr. McClave.

Q. You say it was he that gave you the most points in regard to appointments? A. Yes, sir.

Q. Do we understand directly he told you it was necessary to have his money put up? A. I can give you the conversation.

Q. Give us the conversation? A. He told me if I did not put up any money, I would never get the appointment, and if I did get the appointment I would pass through.

By Senator Bradley:

Q. Put up the money? A. Yes, sir; put up the money, I would pass through any civil service examination, or any other examination, and would be appointed; and he furthermore said if a man put up the right amount of money, that he would pass if he had only half a lung.

Q. Half a lung? A. Yes, sir; that is his words, not only once, but he repeated it twice.

Q. Was it Mr. Richards that recommended you to Captain Warts? A. Well, he said some good man, and he did not say, particularly, Captain Warts, but he said some good man, and I was acquainted with Captain Warts and went to him for advice, and he said he thought he could fix it for me.

Q. For the amount of money mentioned, \$350? A. Yes; \$350 was supposed to be the stated amount everybody paid to go on the police.

Q. Was that before you made out your application? A. No, sir.

Q. After you made your application? A. After our application papers.

Q. Was it before you passed your civil service examination? A. Yes; before.

Q. After you had your interview with Captain Warts, how shortly after did you give the money? A. I suppose about three weeks.

Q. Do you remember in what shape you gave the money? A. I gave it to him in bills.

Q. In bills? A. Yes, sir.

Q. Did he make the request to you about the money being given to him in bills? A. Well, yes; he wouldn't take no checks.

Q. He said so? A. Yes, sir.

Q. May I ask you now, Mr. Miller, how did you obtain the money; did you have it in the savings bank? A. I had some of it, and some of it I borrowed.

Q. Would you object to telling us the name of the man you borrowed it from? A. I would rather not.

Mr. Goff.—I won't press the question.

Chairman Lexow.—Does it implicate anybody?

Mr. Goff.—No, sir; it is only to show the circumstantial corroboration of the witness.

Chairman Lexow.—Unless he has got very strong scruples, inasmuch as both of these individuals are dead, I would bolster up that testimony by the name.

By Mr. Goff:

Q. Under the suggestion of the chairman I deem it better to call upon you for the name? A. I got it from an uncle of mine on Long Island.

Q. What is his name? A. Benjamin Tine.

Q. And his place is on Long Island? A. At East Williston, Long Island.

Q. Williston? A. Yes.

Chairman Lexow.—I don't see that that testimony implicates anybody. He has a right to borrow from anybody.

Mr. Goff.—Not at all; I did not intend it should, so far as my question was shaped, but for substantial corroboration of this witness' testimony.

Q. After you obtained the money, you say you delivered it to Captain Warts? A. Yes, sir.

Q. What did he say when you delivered it to him? A. He said just as soon as I got my shield he would then take charge of the money and pass it to the right parties.

Q. Did he say who the right parties were? A. He did not; but Mr. Richards told me the way the money went; that the party that took the money got \$25; it was then paid to the second party, who got \$25; he paid it to the commissioner, who got \$300; that was Mr. Richards' statement of the case.

Q. That is, let us understand that; Mr. Richards stated to you that of the \$350 you paid, the party who received the money got \$25 of it? A. Yes, sir.

Q. Then there was a second party, through whose hands it would go before it reached the commissioner? A. Yes.

Q. And he would get \$25? A. Yes.

Q. And that would leave \$300 for the commissioner? A. For the commissioner.

Q. What commissioner? A. McClave was the one I went to.

By Chairman Lexow:

Q. Did he say the money was going to McClave or to a commissioner? A. He did not say.

Q. What did he say about that? A. It went to a commissioner.

By Mr. Goff:

Q. To the commissioner; had you been talking about any commissioner? A. No.

Q. Did Richards understand from any conversation that you had with him that you had made the application to Mr. McClave? A. He knew that pretty well.

Q. So when the commissioner was spoken about, was it not the commissioner to whom you made the application? A. Supposed to be; yes, sir.

Senator Saxton.—Will you find out who Mr. Richards is?

Mr. Goff.—Yes, sir; he was secretary for Mr. McClave.

Q. After you passed your mental and physical examinations, Mr. Miller, did you receive your appointment? A. No, sir.

Q. Did you make any inquiries as to why you did not receive your appointment? A. Yes, sir.

Q. Of whom did you make your inquiries? A. I made inquiries of Mr. McClave, personally.

Q. Himself? A. Yes, sir.

Q. What did you say to Mr. McClave? A. Well, I told him I had come down for the appointment; and he took my record and looked over it to see what it was; that is the last time; you remember I had been twice through the examination.

Q. Give us the first time? A. The first time my name never reached headquarters.

Q. How did you find out your name never reached headquarters? A. Through the commissioner.

Q. You went and saw Commissioner McClave yourself? A. I saw Mr. McClave and Mr. Grant.

Q. Or Mr. Grant? A. And Mr. Grant.

Q. And Mr. Grant is Mr. McClave's personal secretary? A. Yes, sir; he was at the time, and he is now.

Q. He succeeded Mr. Richards? A. No, sir; Mr. Richards was an under secretary, as I understand, to Mr. Grant, as he has held the position as secretary.

Senator Saxton.—Inquire in this connection, at the time he saw McClave, whether he said anything about the payment of money.

Q. The first time you saw the commissioner in reference to the application, was there anything said between yourself and the

commissioner in regard to your having paid the money? A. No, sir.

Q. Was there anything said between yourself and the commissioner at any time relating to your having paid the money? A. No, sir.

Q. You never said anything to him about it? A. No, sir.

Q. Might I ask why you did not say to him you had paid the money? A. It was supposed to be a law that if you paid money you was bribing, and bribe-giver and bribe-taker are supposed to be equally guilty.

Q. Did any one suggest to you not to talk to the commissioner about having paid money? A. No; I knew that of my own knowledge.

Q. Now, the first time that you talked to the commissioner he said, as I understand you, your name had not reached headquarters? A. I wrote a letter to him; there has been a party came to see me who claimed to be a man from headquarters; he said he was hunting for me for three days, and finally he located me, and he said he had been sent from headquarters; that if I wanted to get on the police force, I would have to put up so much money, so I told him I did not know who he was, and he said he was from headquarters, and put his hand in his pocket, and brought out a shield.

Q. A policeman's shield? A. Yes; but he carefully put his thumb over the number, so I could not get it.

Q. He put his thumb over the number of the shield so you could not see it? A. Yes, sir; that was the first examination I went through; and I went through an examination a second time, through the whole paraphernalia again.

Q. Let me ask you, after your first interview with Commissioner McClave, I understand you, he told you your name had not reached police headquarters? A. Yes, sir.

Q. What next did you do toward getting your appointment? A. I had to wait until the time expired, which is one year, and then I made a new application.

Q. Did you see Captain Warts in the meantime? A. The second time is the time I put up the money with Captain Warts, not the first time.

Q. Not the first time? A. No, sir.

Q. The second time? A. Yes.

Q. The first time you did not put up any money? A. No, sir; Mr. Grant saw me, and I asked him if I would be required to put up any money, and he told me no, as I had known Mr. McClave a number of years before he was commissioner, and was acquainted with his family, I would not be required to put up any money.

Q. That was your first application? A. The first; yes, sir.

Q. And it was after you found your name did not reach headquarters at all, that you went to Captain Warts? A. Yes; then Mr. Richards told me the reason why my name did not reach headquarters.

Q. What was the reason? A. Because I had no money up.

Q. Because you had no money up? A. Yes.

Q. And the year had elapsed from the time you made your first application? A. Yes, sir.

Q. And it was after Mr. Richards' communication to you, that you went to Captain Warts and put up the money? A. Yes, sir.

Q. How long a time elapsed; you passed a second examination, did you? A. Yes.

Q. And the second physical examination you went through all right? A. Yes, sir; I got a percentage of 85.76.

Q. And what was the minimum percentage that you could have got within the rule? A. Seventy.

Q. Well, Mr. Miller, did your name reach headquarters on the second application? A. Yes, sir.

Q. And what about this man visiting you from police headquarters? A. That was on the first; he came there, and said he had been sent from police headquarters, that if I wished to be appointed within 30 days, that if I would put up the required amount of money, that I could get it; I told him he was a stranger; I didn't know him, and I asked him to whom I should put this money up; he said give the money to him; I said, "I don't do business that way; you are a stranger to me;" he said, "It is all right;" I said, "I do not know whether it is or not;" he said this, he would meet me a certain night at a cigar store on Ninth avenue, which he said was kept by a friend of his, and that I was to go and meet him there, and have the money to pay down — \$350; then I told him, all right, I would meet him, and I suggested to him this way, that he select a friend and I would select a friend, and let the two select a disinterested party; he agreed to that, and at the time when I went there to the avenue, I took a friend along, because not knowing the man, I did not know what game might be played; I took the precaution to take a friend along, and, of course, the friend did not know what I was going for, or the purpose, or anything else; I only took him along as company, and when I went there the man did not show up, and that ended it.

Q. That ended that transaction? A. Yes.

Q. Now, we come to the time when you put up the money to Captain Warts; did a year elapse on the second application without your hearing anything of your appointment? A. Oh, no; I heard that my name was—I was notified that my name had

reached headquarters; I was on the eligible list, and that if I would come down I would get the appointment.

Q. Did you go down? A. I did.

Q. Was that a written notice you received? A. I think it was; yes, sir.

Q. And by whom was it signed? A. It was signed by Mr. Phillips, secretary of the civil service.

Q. Now, in response to that notice, did you go to headquarters? A. I did; yes, sir.

Q. And who did you see at headquarters? A. Commissioner McClave and Mr. Grant.

Q. Did you have a conversation with them? A. I did.

Q. Did you have the notice with you that you received? A. I did not.

Q. Did you tell him about receiving the notice? A. Yes, sir.

Q. Tell us the conversation you had with Mr. McClave? A. I went into the office, and the first one I met was Mr. Burns, I believe; I believe that is his name; I am not sure; I gave him my name, and he handed it to Mr. Grant.

Q. And Burns is an officer there? A. Yes, sir; he handed it to Mr. Grant, and Mr. Grant asked me what I wanted; I told him I had received notice that I was appointed, and came down to see the commissioner; Mr. Grant wanted first to know what my age was; I told him I was 33; and a few other questions; I don't remember what they were; and finally he wound up by saying it is a pretty hard job to get on the police force now, and finally I was admitted to the commissioner's room; I stated my case, and he picked up the list and looked over it; finally he says, "Well, I can't appoint you;" I says, "Why is that, Mr. Commissioner;" "Well," he says, "I have appointed my share, and there is about 30, I think, if I remember right, about 30 of my friends that I have left off;" he said, "Besides that, you are a civil service man."

Q. You was a civil service man? A. Yes, sir; I said, "I beg your pardon; I put my application in the civil service simply because you were away, and I wanted to get in a certain examination; it was understood with Mr. Grant that I was to act through him;" "Well," he says, "that is a different thing;" so he says, "Well, I am sorry, but I can not do anything for you;" and he says, "You will have to make another application;" "Well," I said, "I think it is useless;" he says, "Why;" I said, "This is the second time I have made application, and don't get any further, much, than I did before;" he wanted to know the reason why; I told him I supposed the reason was the same reason I did not

get this; I did not know what it was; and so then I bid him good day, and walked out.

Q. Did you make a third application? A. No, sir.

Q. Did you have any conversation with any person in police headquarters about any additional sum of money? A. No, sir.

Q. With whom did you have that conversation? A. I don't know who he was; he was an officer in uniform.

Q. An officer in uniform? A. Yes, sir.

Q. Was this the same day you talked with Commissioner McClave? A. Right after I came out of the office; he followed me out of the office.

Q. He followed you out of Commissioner McClave's office? A. Yes, sir; out of the general office; you know how Commissioner McClave's office is arranged; you know it is a retinue of offices.

Q. A suite of rooms? A. Yes, sir.

Q. What did he say to you? A. He caught me by the arm and wanted to know if I wanted that appointment very bad.

By Chairman Lexow:

Q. Who caught you by the arm? A. This officer; he had no hat on; dressed in a blouse.

By Mr. Goff:

Q. It has been suggested to me, do you remember whether he had gold braid on, gold stripes? A. I didn't pay particular attention.

Q. You are sure he had a uniform on? A. Yes, sir; he had a blouse, and shield, and brass buttons; he took me by the arm and asked me if I wanted the position very bad; I told him if I did not I would not have come in from the country two or three times; he asked me if I had \$150 in my clothes; I said to him, "What do you mean; ain't what I have got enough;" he says, "That is all right, but it costs something to get on the police force now;" "What do you mean; make it \$500;" he says, "That is about the size of it;" I says, "No, I have not got it;" he says, "Can you get it;" I said, "When;" he said, "In about two hours;" and I said, "I don't think I can; and what is further, I would not give \$500 for the position, anyhow."

Q. When you said \$500 to him, did he express any surprise at all? A. Not at all.

Q. Did you tell him you had paid \$350? A. Yes; he seemed to know it.

Q. And you refused to make it \$500? A. Yes, sir.

Q. And that is the whole of your experience trying to get on the New York police force? A. Yes, sir.

Q. You have never received any of your money back, I presume? A. Oh, yes; I got it from an honest man, I think.

Q. Who gave you the money back? A. Captain Warts.

Q. He gave you the whole of the money back? A. Yes, sir.

Q. Was that after your last visit to headquarters? A. Yes; he said it was, using his own words, "It is a damned shame that cripples and such as that could get on, and American men could not get on."

Q. Who said that? A. Captain Warts.

Q. "It was a damned shame cripples could get on, and American men could not get on?" A. Yes, sir.

Q. He returned you the money? A. Yes; he went down to see what he could do, and gave me the money the next day.

By Senator Bradley:

Q. Where did you live at that time? A. Hyde Park, Long Island.

Q. And you made application to get on the police of New York? A. When I made the application, I only moved out for the summer; I was working at the time for John Rothschild, of Floral Park.

By Chairman Lexow:

Q. When you saw Commissioner McClave the last time did you have any conversation with him about the amount you paid?

A. No, sir; not at any time.

Q. No reference at all? A. No, sir.

Q. Why didn't you speak about it, about your having paid the money to appoint you? A. I did not think it was necessary to say anything about it; I felt disappointed.

Q. Didn't you say to him, "I have paid my money, why don't I get the appointment?" A. I did not.

Q. Did you know any reason for not doing it? A. No; I haven't any particular reason that I know of; I simply asked the reason why I could not, and he told me, and I did not press him any further.

By Senator Saxton:

Q. This person that followed you out, did you see him in the room? A. No, sir; I did not.

Q. You did not know where he came from? A. No.

Q. Did you know he came out of Mr. McClave's room? A. I couldn't say that either; he came out of the offices where they go to Mr. McClave's office.

Q. Where did you first see him? A. Right at the entrance; you know, when you go in, you go in a long lobby, and then you go in where Mr. Gott, the treasurer's office is, and Gott is on the right-hand side, and then there is a general office in front of you, and you turn to your left in Mr. Grant's room, and Mr. Burns sat in front of you, and you go into Mr. Grant's room, turn to the right, and to Mr. McClave's room.

Q. Where was you? A. I was in the lobby, coming out into the main hall; he came out of the wicket door that swings there, and caught me by the arm.

By Senator Cantor:

Q. Mr. Gott sits in the outer room of the suite of rooms in which Mr. McClave's room is? A. Yes, sir.

Q. Do you think you would be able to recognize this man if you saw him again? A. I don't know; I did not pay much attention; he angered me, and I got angry with him.

By Senator Saxton:

Q. Did he make a statement? A. I made a statement if I had a witness there I would make it pretty warm for him.

By Senator Saxton:

Q. I want to ask you a question: Did I understand you correctly, that when you first put up your money, you understood \$25 went to one man, and \$25 to the other, and \$300 to the commissioner? A. To the commissioner; that is what Mr. Richards told me.

Q. And by the commissioner you understood Commissioner McClave? A. That is the one I applied to.

Q. When did you talk with Commissioner McClave — did you believe, at that time, Commissioner McClave had this money? A. What would you naturally suppose?

Q. If you labored under that belief, why wouldn't it be very natural for you to ask Mr. McClave why it was you did not get your appointment, after he got your money, if you believed that? A. I done the business through another party.

Q. At that time, did you have any delicacy about it? A. I was given to understand the commissioner received no money until the appointment was made; that is what I understood, according to what Captain Warts told me.

Q. You did not suppose the commissioner had your money at that time? A. Not at that time; it was held in abeyance by Captain Warts.

Mr. Goff.—He gave as a further incident, he understood it was a case of bribery, and he was not to talk about it.

Chairman Lexow.—That did not appear to us to be a good reason. If he said he thought the commissioner knew of it, and had received the money there would be no delicacy in asking about it.

Mr. Goff.—If the transaction took place between the two men that would be true. The difficulty was the transaction did not take place between himself and the commissioner directly, but between himself and Captain Warts.

The Witness.—And another thing. We were not alone in the room; there were two gentlemen standing in there; I don't know who they were, in the commissioner's room.

By Senator Saxton:

Q. You understood this money was to be kept, that is, until the appointment was finally made? A. Until I got my shield, and then was to be turned over.

Q. And it was not until then the division was to be made? A. Yes, sir.

Q. Did you understand that from Captain Warts? A. Yes, sir; and also from Mr. Richards.

Cross-examination by Mr. Nicoll:

Q. The question is your belief at the time there was any agreement to receive money in consideration of your appointment on the police—did you believe that? A. What is that?

Q. Did you believe Mr. McClave was a party to an agreement to appoint you for money? A. That was an understood thing.

Q. Did you believe that? A. I did.

Q. Why didn't you say to Mr. McClave—why didn't you mention that fact to him? A. I did not think it was necessary.

Chairman Lexow.—He said there were two others in the room.

Q. You believed that he was a party to this agreement? A. I suppose he was.

Q. You never mentioned that fact? A. No, sir.

Q. And you were not appointed? A. No, sir.

Chairman Lexow.—On the contrary, he said he would not appoint him.

Mr. Nicoll.—That he could not appoint him.

Q. Now, I understand you to say you asked Mr. Grant, Mr. McClave's secretary, whether money was necessary to get on the force? A. Yes, sir; that was the first time.

Q. He never stated it was necessary? A. He said no, it would not be necessary in my case, as I knew Mr. McClave.

Q. He never told you it was necessary at any time, either the first or second application? A. No, sir.

Q. Mr. McClave never told you any such thing, did he? A. No, sir.

Q. So that the only person that told you any such thing was a man named Richards, who is dead? A. Yes, sir.

Q. And the transaction you had with a police captain who is dead? A. Well, that is not my fault; yes, sir.

Q. No; that is a fact? A. Yes.

Q. If you have sworn to anything false in regard to Richards or the captain, you know you can not be prosecuted for perjury? A. I know I can; yes, sir.

Q. Because they are dead and can not swear to it? A. I did not speak of it with that in mind.

Q. You know that is a fact, they can not swear against it; you are conscious that you are swearing, and with no living witness to swear against you? A. Yes, sir; I was brought here to tell the truth, and am trying to do so.

Q. In telling your story you are conscious of the fact that there is no one living to contradict you, are you not? A. Yes.

Q. That is in your mind? A. Yes, sir; I know that.

Q. When did you tell your story to the counsel for this committee? A. I have never spoken to the counsel of this committee at all, sir.

Q. To whom did you tell it? A. The only one I ever spoke to was Senator Judson Lawson.

Chairman Lexow.—The Assemblyman?

The Witness.—The Assemblyman; exactly.

Q. Assemblyman Lawson? A. Yes, sir.

Q. Is he a member from this city? A. I believe he is; yes, sir.

Q. When did you tell Assemblyman Lawson?

(Objected to as immaterial, and as already ruled upon by the committee.)

Mr. Nicoll.—It is one of the most unjust rulings made by this committee.

Chairman Lexow.—The objection is sustained.

Mr. Nicoll.—There is not a court of justice, there is not a tribunal of any kind, in any land, where the means by which the witnesses are finally brought upon the witness stand, may not be proved upon cross-examination.

Mr. Goff.—No, sir; that is not true.

Mr. Nicoll.—There never was a tribunal except those where the cross-examination was admitted, and where you were refused permission to ask the witness to whom he told the story, and the circumstances under which he came before the tribunal.

Chairman Lexow.—We laid down the proposition here when we started that, inasmuch as this was an extraordinary inquiry, the secret as to the source of information should not be seen; it would be inexpedient to go into those sources, and handicap the counsel. I do not think that the testimony of this witness is going to be destroyed by any such inquiry; if it was, I think he is a fair witness. I think he has intended to tell the truth, and I do not see that result of inquiry on that subject would affect the judgment of this committee; at least, it is mine.

Mr. Nicoll.—I think it should be known, the source of his inquiry. Does the committee refuse to permit me to go on in this line?

Chairman Lexow.—Yes.

By Senator Bradley:

Q. Before you go, I want to ask you one question; the counsel for the police board put the question to you that you know you can not be prosecuted for perjury, these parties being dead; if the parties were living, would you give the same testimony you would give here to-day? A. Yes, sir.

Q. In their presence? A. Yes, sir.

By Mr. Goff:

Q. Were you in any manner, shape or form influenced by the fact that Captain Warts was dead and that Richards was dead, in giving your testimony here to-day? A. Not at all; no, sir.

Peter A. Prial, called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Officer Peter Prial, is that it? A. Prial.

Q. To which precinct are you attached? A. Nineteenth.

Q. Under what captain? A. Schmittberger.

Q. That is the Tenderloin? A. It is.

Q. How long are you on the force? A. Four years and seven months.

Q. To whom did you give the \$150 you borrowed from Mr. Horton, when you were about to be appointed? A. I never borrowed a cent from Mr. Horton.

Q. Do you know Mr. Horton? A. Yes, sir.

Q. What business is he in? A. Commission business.

Q. Have you been talking to him since you have been subpoenaed here? A. No, sir.

Q. Did Mr. Horton ever give you a check? A. Never.

Q. For any purpose? A. Never.

Q. Do you remember going to a grocery store with Mr. Horton when you were about to be appointed? A. I think I did.

Q. What grocery store was it? A. It was the corner of Thirty-seventh street and Sixth avenue.

Q. What is his name? A. George Hoppe.

Q. Hoppe—H-o-p-p-y? A. H-o-p-p-e.

Q. Is he there yet? A. No, sir.

Q. Where is he? A. He is living retired in a place in Harlem; I don't know his address.

Q. You worked for Mr. Horton, didn't you? A. I did.

Q. What did you go to the grocery store for? A. I don't recollect now; I went there probably two or three times a week; we used to often go up there and sit down in the back room.

Q. Didn't you and Mr. Horton go there together? A. We possibly did.

Q. Don't you remember you did, as a fact, in connection with your appointment on the police? A. I may have.

Q. What purpose had you in going to the grocery store of Hoppe? A. I don't remember now.

Q. Does your memory fail you on that point? A. In that instance; yes.

Q. Are you liable to lapses of memory, officer? A. Not that I am particularly aware of.

Q. You are a fine, big, strong, healthy man, and your memory, I guess, is very good? A. It ought to be fair.

Q. Do you remember having an appointment at that grocery store to meet anyone? A. No, sir.

Q. Did you ever meet anyone at that grocery store? A. Not that I remember of.

Q. Does your memory fail you again? A. I have no recollection of it.

Q. In connection with your appointment? A. I have no recollection.

Q. Will you swear you did not? A. I will; positively.

Q. Did you ever meet an alderman there? A. Never.

Q. Did you ever hear that groceryman say to Mr. Horton, in your presence, that they did not know how to go about getting an appointment? A. Never.

Q. Or words to that effect? A. No, sir.

Q. Did Mr. Horton send a check to the groceryman by you? A. No, sir.

Q. Did the groceryman send a check back to Mr. Horton to get the money? A. Not to my knowledge.

Q. By you? A. No, sir.

Q. Did you ever cash a check for \$150 given to you by Mr. Horton? A. No, sir.

Q. Did you ever receive \$150 in money from Mr. Horton? A. No, sir.

Q. Or any other person? A. Not at one time; I might have my wages.

Q. I don't speak of that, officer; I mean in a sum of money; I don't speak about your wages at all? A. No, sir.

Q. What commissioner appointed you? A. McClave.

Q. Which of the Mr. Hortons was it that went with you to the grocery store? A. Well, I went with Mr. Al. Horton.

Q. Mr. Al Horton, Albert? A. I couldn't really say.

Q. Mr. Horton is there yet? A. Not at that place; he sold his interest in that business over five years ago.

Q. Where is he now, officer? A. I think he works a block and a half above that, at 644, for his brother; I am not really positive of that.

Q. To the best of your knowledge, officer? A. Yes, sir.

Q. You understood what you were subpoenaed here for, didn't you? A. No, sir.

Q. You heard it spoken of in the station-house about this inquiry regarding officers paying money for their appointment? A. I certainly have.

Q. Men have talked about it, haven't they? A. I suppose they did.

Q. And before that, officer, it was common talk among policemen about men having to pay for appointments on the police force, wasn't it? A. I don't know it was common talk.

Q. Did you ever hear it spoken of? A. I couldn't swear positively I did.

Q. Will you swear you did not? A. No; I would not swear I did not.

Q. Has it been a matter of common talk and common knowledge in the police force that every man has been appointed of recent years —

Mr. Nicoll.— I object.

Chairman Lexow.— You are putting the question, are you not?

Mr. Goff.— Now, will you please read the question, so far as given. (The stenographer read the question.) — had to pay for his appointment? A. No, sir.

Q. Did you never hear it? A. No, sir; that "every man"? — no, sir.

Q. Didn't you hear a great many had? A. No, sir.

Q. Did you ever hear anything at all about it? A. I may have heard; not of any number of instances, or not the majority did.

Q. Well, the minority? A. Well, I don't know whether they did or not.

By Chairman Lexow:

Q. Have you heard it was customary, officer? A. I have heard it rumored.

Q. That it was customary? A. Yes, sir.

Q. That is part of the general system? A. Well, I don't know; I would not swear that I have heard it rumored, that it was the general rumor.

Q. But customary? A. I don't know.

By Senator O'Connor:

Q. Did you ever hear a good many had to pay? A. No.

By Mr. Goff:

Q. Did you ever hear that any had to pay? A. Not any particular case.

Q. Did you ever hear any mention of any names of anybody that had to pay for appointment? A. Not except what I read in the paper.

Q. Your knowledge is confined to the papers? A. No, sir.

Q. You could not from any personal knowledge; I do not mean that, sir; I want you to put the papers aside for the present; I want to know whether you have heard the subject spoken of in the ward-room, in the patrolman's room in the station-house? A. Well, yes.

Q. And it has been frequently talked about, officer? A. Yes.

Q. And it has been talked about among them that the new men had all to pay? A. I don't know it was, no; not common talk; they seldom ever speak of that; I very seldom ever heard them speak of it.

Q. You have heard them speak of it? A. Occasionally, I may have.

Q. Don't say you might unless you are sure.

By Chairman Lexow:

Q. You know whether you did or not? A. Yes.

By Mr. Goff:

Q. And since this investigation commenced, officer, you have heard a good deal of talk in the patrolman's room? A. No; not a great deal.

Q. You have heard it spoken of? A. I certainly have.

Q. You mean to say the police are indifferent to this investigation and do not talk about it? A. I do not know that they are.

Q. They are much interested, isn't that the truth? A. I presume they are.

Q. Don't you know they are? A. Well, no; I don't know whether they are or not.

By Chairman Lexow:

Q. Are they not just as much interested as the citizens at large in getting rid of blackmail, and things of that sort, if they do exist? A. Yes, sir; I presume they are.

Q. And don't they discuss the subject in the ward-room? A. Occasionally.

Q. And are you not, as officer of the force, as anxious to see money is not given for appointment? A. Yes, sir.

Q. You have discussed that question, too, have you not? A. We have.

Q. And you all think it is a shame, don't you? A. Certainly.

Q. And ought to be removed, if it can be; and in the course of your conversation you have discussed the frequency in which appointments have been made for money considerations? A. I don't know the frequency; I could not recall the particular instances.

Q. The instances are many? A. Yes.

Q. Without being able to recall special ones; isn't that true? A. That is true.

By Senator O'Connor:

Q. Haven't you also discussed the question that it is an outrage to require members to have party preferences to be appointed? A. I have no doubt we have.

By Mr. Goff:

Q. Haven't you also discussed the question that it was an outrage that these men who are appointed should pay for their promotion? A. Would you mind repeating that question?

Q. Isn't it also considered an outrage among your brother officers that good officers should have to pay for promotion?

A. We certainly should.

Q. You all believe men should be promoted on their merits? A. Yes, sir.

Q. And that subject of men having to pay for promotion has been talked about, too? A. I presume it has.

Q. Now, since this investigation commenced, you have read about some police officers being examined here? A. I have.

Q. And that subject has been spoken of in the patrolman's room? A. It naturally would.

Q. As a matter of fact, it was? A. Yes, sir.

Q. Now, if you will keep up your voice, and just imagine you are chasing some boys around the corner, we will all hear you; now, officer, was not there special talk, a subject of special conversation about the testimony of the officers who were called here, who were alleged to have paid \$300 for their appointment? A. I do not recall there was special talk; no.

Q. Don't you recall hearing any conversation about any officer that was examined here? A. No particular one.

Q. About some? A. No, sir.

Q. Does your memory fail you on that point? A. I don't think so.

Q. Do you remember the officer who testified here, that he would be considered a squealer if he gave the thing away about having to pay for an appointment, do you remember that? A. I do not.

Q. Did you hear that spoken of in the station-house? A. No.

Q. Is this the first time you have heard about it? A. It is.

Q. And, as a matter of fact, the man would be called a squealer? A. He might; I don't know he would; I never heard the case he was called upon.

Q. You never had seen a case where a man squealed, is that it? A. In that case; no.

Q. And it is the rule and custom among the men not to squeal, officer? A. It is.

Q. And you are not going to commence it, are you? A. I have nothing to squeal.

By Chairman Lexow:

Q. In discussing, officer, this question of securing appointment for money, did you also, or have you heard discussed the question of securing, by means of financial considerations, appointments, although men were undersized or under weight? A. I don't know that I have.

Q. Don't you know it has been done on the force here, that men, although under the standard size, and under the standard weight, have, for financial considerations, been appointed upon the force? A. I could not tell you, from personal experience; I know I do not come under that.

Q. I understand that; but you have heard it discussed in the ward-room? A. I can not recall a case where I have heard it discussed.

Q. Isn't there an understanding on the force that that is done at times? A. I do not know from my own knowledge it is.

Q. Isn't that the general understanding? A. I could not say it was.

By Mr. Goff:

Q. Officer, by the way, have you been a subscriber recently to a building fund? A. No, sir.

Q. Have you been asked? A. No, sir.

Q. Have you heard of such subscriptions? A. Not from any of the men; no, sir.

Q. You have read of them? A. I have read of them.

Q. You belong to the Mutual Benevolent Association? A. I do.

Q. Give me the name of that association? A. Patrolmen's Benevolent Association.

Q. And all the patrolmen belong to that? A. The majority; not all.

Q. Not all? A. No.

Q. No one above the rank of patrolman can belong to that association? A. Yes, sir; roundsmen; but he is really a detailed patrolman.

Q. But above the roundsman? A. No; there are none.

Q. No captain can belong to that? A. I believe that is so; not to my own knowledge.

Q. What are the dues of the association? A. Twenty-five cents a month.

Q. Twenty-five cents a month; are there any special assessments? A. I don't recollect of any.

Q. Are there any? A. Sir?

Q. Have there any been made? A. No; I don't think so.

Q. Do you know anything about it? A. No.

Q. You pay, don't you? A. I pay 25 cents a month.

Q. Are you in good standing? A. I am.

Q. Have you a pass-book? A. I have.

Q. A member's book? A. Yes, sir.

Q. Everything you pay is on that member's book? A. No; I never had it written up.

Q. You never had your payments written up? A. Not in my pass-book; no.

Q. Didn't you get a receipt? A. No, sir.

Q. You go to the meeting rooms and pay? A. I have never been there; no, sir.

Q. You send your money, I suppose? A. I do.

Q. By some brother officer? A. Yes.

Q. And will you swear you never have paid an assessment or any money outside of 25 cents a month? A. I will.

Q. Positively? A. Positively.

Q. And never been requested to pay any other sum? A. Never.

Q. And you also swear positively that you did not receive or borrow a sum of \$150 from Mr. Horton at about the time, or before the time, of your appointment? A. I positively swear that I never did, at any time.

Q. At any time? A. At any time.

Q. Or from any other person? A. Or from any other person.

Q. That you never paid out, obtained, or were presented with a sum of money at or about the time of your appointment? A. Never.

Q. Of any kind? A. Of any kind.

Q. Or shape or form, or any amount? A. Or any amount.

By Senator O'Connor:

Q. Would not the great mass of patrolmen on the force like to have it be understood that men in the position of patrolmen would be advanced on their merits? A. They certainly should.

Q. Without regard to political influence or money consideration? A. Undoubtedly.

Q. Haven't they discussed that? A. Yes.

Q. That it would be the proper way to protect the police force of the city? A. It would; certainly.

By Senator Bradley:

Q. You have sworn, officer, here, that you never paid any assessment, never was exacted of you, except the 25 cents a month; do you mean to give the committee to understand you did not pay assessments about election time? A. I do.

Q. Do you mean to say you did not pay any assessments for the purpose of passing the bill to increase the patrolman's pay? A. I do.

Q. You never paid any money for either of these purposes? A. Neither.

By Mr. Goff:

Q. Is it not the prevailing sentiment, following Senator O'Connor's question, is it not the prevailing sentiment of the force now, that men can not be advanced or promoted on their merits alone? A. Well, I have seen two cases where they were.

Q. And how many cases did you see where they were not? A. I did not know whether they were promoted on their merits; I had no personal knowledge.

Q. How many cases of promotion did you see that were not on the merits? A. Well, I am not a judge whether they were on their merits or not.

Q. I am not asking you that about the judge? A. I can not tell; I have seen plenty of men promoted; I don't know whether they were promoted on their merits; I don't know why they were promoted.

By Senator Saxton:

Q. Do you think it was on their merits? A. I don't know that they were.

By Chairman Lexow:

Q. Was it your judgment they were promoted on their merits or not? A. I don't know that I ever exercised any judgment in the case.

Q. Didn't you have an opinion; you say you knew of two that were promoted on their merits; now, you must have drawn a

comparison between those two and others? A. This was for meritorious work.

Q. And the others were not, according to your judgment, appointed according to merit? A. Their civil service examinations might have been superior to other men; they might have been promoted that way, if you consider that on their merits; they, probably, had been appointed on their merits, then.

By Mr. Goff:

Q. But, Officer Prial, what I ask you, when you speak about the prevailing sentiment of the force, is it not the prevailing sentiment on the force—you, as an intelligent officer, can answer this question—is it not the prevailing sentiment of the force to-day, that the greater number or part of the promotions are not upon their merits? A. I presume it is.

Q. That is the prevailing sentiment on the force to-day; and would not the force be very much better and very much improved in its efficiency, if it was the prevailing sentiment that men could be promoted only on their merits? A. It would; certainly.

Q. And be an improvement on the present condition of affairs; isn't that so? A. That is right.

Edward Kilpatrick, called as a witness on behalf of the State, being duly affirmed, testified as follows:

Direct examination by Mr. Goff:

Q. Edward R. Kilpatrick, is it not? A. Without any middle letter.

Q. Edward Kilpatrick? A. Yes, sir.

Q. What is your business? A. Builder.

Q. How long have you been engaged in that business? A. Over 40 years.

Q. In the city of New York? A. Yes.

Q. And you are well known here in the city as a builder and large contractor? A. Somewhat; yes.

Q. I think you have built a great number of houses and structures here in the city of New York? A. Yes, sir.

Q. And you have employed a large number of men in your day; haven't you? A. Yes, sir.

Q. Have you any large buildings on your hands now? A. Yes, sir.

Q. What building? A. I am building a large building on the corner of Ninety-ninth street and the Boulevard, seven-story high, about a hundred feet, and 50 feet wide; I built five tall houses in Sixty-eighth street — Sixty-eighth street now, and completed five houses fronting on Central park, on Eighth avenue.

Q. Were you engaged in constructing a large building down in the neighborhood of Broad street here not long ago? A. I built the building in Broad street, known as the "Edison," running through to New street.

Q. And any other large buildings down there? A. That is the only large building in that neighborhood.

Q. In erecting a large structure, for instance, the Edison building, you find it necessary to construct a bridge along the sidewalk for pedestrians? A. Yes, sir.

Q. That is where you are excavating underneath for the cellar, etc.? A. Yes, sir; for the vaults.

Q. And that bridge you raise several feet above the level? A. Yes, sir.

Q. In order that your men can work underneath? A. Yes, sir; stairs on each end, and a hand-rail on both sides so as to protect passengers.

Q. Now, in building the bridge down at Broad street, did you find it necessary to have a permit from the department of public works? A. Yes, sir.

Q. Did you obtain a permit? A. Yes, sir; let me just state the facts.

Q. Yes; state it your own way? A. There are two or three branches in the department of public works; I suppose any branch would cover; that is, there was one branch that gave permits for vaults and took the money, another branch called the branch of public incumbrances that granted permits at that time for the erection of bridges, and the department of incumbrances that took no money; that was a right that followed having paid for the vault.

Q. Well, now, had you to obtain a permit from any other department of our city government, except the department of public works? A. No, sir.

Q. Well, were you interfered with by any other department of our city government in constructing those bridges? A. Our men were all arrested, and the foreman and the men repeatedly were arrested, and locked up in the Old Slip station-house.

Q. How long ago is that, Mr. Kilpatrick? A. It was—I can fix the date within a day or two; the last arrest was made on the 25th day of February, 1890.

Q. And were there more arrests than one? A. I think there were three.

Q. Well, each arrest there were more arrested than one? A. Yes; the men were arrested and carried to the station-house by the police.

Q. How many men? A. One time probably seven or eight; I don't remember just the number, but I can fix it.

Q. That will do? A. Fifteen, I think, at one time.

By Mr. Goff:

Q. What became of the arrest? A. The last arrest that was made I followed the men down to the station-house, having heard of the arrest, and the men were then in the station-house under arrest for violating the city ordinance of erecting a bridge or crossing the sidewalk for excavating purposes; men that were engaged in that work; and I informed the captain—I believe it was Captain McLaughlin; I think that was the name—that I had been approached by his wardman for \$250 apiece for each bridge, and that I had been too long in the business to give any money to any public officer for any service that was not legitimate; the officer behind the desk referred me to Mr. Burns, the wardman, who was in the back room, and he came out, and said, "Hold on here; hold on here; let's go with you and see what you have got here; have you got a permit?"

Q. He said to you, "Have you got a permit?" A. "Have you got a permit? I said, "Yes;" but before this I had met Burns; he said that nobody could issue a permit, except the captain of the ward; that there was no such thing as bridges; that it was a perquisite for the captain of the ward, and that everybody paid it, and I had got to.

Q. Did he, at that time—the first time you were visited by this wardman, Burns—did he name any amount that he expected you to pay? A. Two hundred and fifty dollars apiece for each bridge.

Q. And you had two bridges? A. At that time I had the permit to erect the vaults, but not the formal permit beyond that; the department of public works had transferred from one

department to another, to the incumbrance department, the right to incumber the sidewalk, and after that the department transferred it back again, so that now, if you get a permit for a sidewalk, there is a printed form that accompanies the permit, giving you the right to erect bridges and prescribing the form and manner in which they are to be constructed.

By Senator Cantor:

Q. Both of those privileges were on the same permit? A. Yes, sir; but they were not so at this particular time.

Q. What time? A. I got a copy from the permit department this morning; finding that was on their department; that is, the department of incumbrances, not the ordinary permit for vaults; now, it is in one department instead of in two.

Q. One bureau, you mean? A. Yes, sir; in one office; one man has charge of both.

Q. Two bureaus are in one bureau? A. Yes, sir.

By Mr. Goff:

Q. We wish you would state to the Senators, to the best of your recollection, the next visit that this wardman, Burns, made to you, and where he made it to you, and all he said, and all, you said; just in your own way, state it, Mr. Kilpatrick? A. The first interview was on the premises, Nos. 42 and 44 Broad, and running through to New street; and he came along very socially and friendly, saying that "You need a permit here; you will have to erect a bridge; you can not cross the sidewalk here on a level with people passing; you must go under the bridge with your material, and you will have to get a permit for that purpose;" I had, at that time, the permit for the excavating—that is, I had a permit for the land; I had purchased the 85 cents a foot for the use of the land.

Q. From the city? A. From the city.

Q. That is the use of the sidewalk? A. The conversation was very brief, and he went away, and said, "I will see you again;" well, the next time I saw him, he said I did not come to see him; I said, "No."

Q. He said you did not come to see him? A. I said, "No; and what is more, I do not propose to come and see you; you can see me if you want to see me, and right here;" the

conversation ended in rather an unpleasantness, a little; he was supposed to be very abrupt in saying, "I will bring you to terms; Dave King is the only sucker I have any trouble with, and they will come to it."

Q. David King? A. "David King is the only sucker," and he is a prominent builder.

Q. He said, "They will all come"? A. Yes; meaning the builders.

Q. At that conversation—that is the second conversation? A. I am using the exact language of the officer.

Q. Precisely; that is the correct thing to do; was there anything said at the second visit he made to you about terms—about money? A. The same sum was repeated; there was no change from the \$250 a bridge; that was the fixed sum; it was a sum that was fixed for the erection of a bridge for any building; that is what he told me.

Q. Was it that interview or the next interview that he told you that was a prerequisite of the captain's? A. Sir?

Q. He told you that was a prerequisite of the captain's? A. Yes, sir; and he was the only one that could get a permit.

Q. That he, the wardman, or the captain? A. The wardman told me the captain was the only man that could give me the permit; I then went up to the department of public works, and there was a young man in charge from whom I received the receipt for the money when I paid for the vault; and I said, "What is the use of your permit here, and buying the land from the city of New York, and I can not use it; I can not even cross the sidewalk, or build a bridge?" "Oh," said he, "I will go and fix that for you," and he looked among his papers, and he said, "That is transferred to the department of incumbrances, and I will go and fix it for you;" and he went upstairs, and I waited a few minutes, and he returned with the permit from the department of incumbrances, without any charge; it ought to have accompanied the other permit.

Q. Yes? A. And when I got that I felt a little fortified; I went down and met my friend Burns in Broad street, and I felt a great deal stronger backbone; I said, "I have got a permit here that seems to be sufficient;" he said, "Let's see it;" I showed it to him; he said, "I never seen anything like that before in my life;" I said, "You are enlightened now, aren't you?" we had one arrest after that—one arrest; and when I

went — Burns when he followed me out of the station, said it was a mistake.

Q. The arrest was a mistake? A. It was a mistake; there wouldn't be any further trouble, "You won't have any further trouble;" "Go ahead," and we never had any arrest after that.

Q. During all the time from the first visit he ever paid to you, when he demanded \$250 a bridge, your men were arrested three times altogether? A. Yes, sir.

Q. And a number each time? A. Yes, sir.

By Chairman Lexow:

Q. Fifteen on one occasion? A. I think there was 15 when I went down to the station-house.

By Mr. Goff:

Q. When the men were arrested in the station-house, was anything done in the matter; were they brought to the court, or fined? A. I made a threat, saying, "I will spend my money on the New York Herald in advertising you rather than pay any blackmail."

Q. Who did you say that to? A. To Mr. Burns, the wardman.

Q. Now, I wish to call your attention to the conversation you had with Captain McLaughlin? A. That was merely — a mere word; it was just merely calling the wardman out of the room when I went in there, and stood in the court outside the rail.

Q. The railing? A. In the station-house; and when I entered there, I said, "This is a pretty piece of business, locking my men up and attempting blackmail;" I spoke the word rather emphatic; I had the paper in my pocket at that time — the second permit; and immediately I was referred to — a man was called out of the back room and took me to the door, and said, "This is a mistake, this is all a mistake; there will be no more arrests."

Q. Was Captain McLaughlin there, and was it to him you said, "This is a pretty business, this blackmail?" A. I could not swear, for I never saw him before or since, to know he was Captain McLaughlin; when I went in I asked for the captain, and they turned me over to the captain, sitting back of the desk.

Q. Sitting back of the desk? A. One of the officers on the floor.

Q. You asked for the captain? **A.** I don't think I would know Captain McLaughlin now if I met him.

Q. You asked for the captain as soon as you went in? **A.** Yes, sir.

Q. And the officer referred you to a man in uniform sitting behind the desk? **A.** Yes, sir.

Q. And did the officer say when he referred you—? **A.** "There is the captain."

Q. And it was the man to whom the officer referred you as the captain, that you said, "This is blackmail?" **A.** Yes, sir.

Q. And I understood you to have testified before, Mr. Kilpatrick, that you said to that officer behind the desk, that if the thing went on you would expose his wardman that tried to get money from you or approached you? **A.** I said, "If we are interrupted, I will spend my money advertising you to the New York Herald."

By Chairman Lexow:

Q. You said that to the captain? **A.** Yes, sir.

By Mr. Goff:

Q. Wasn't there something said at that time by you about having been approached by the wardman for money or for blackmail? **A.** I said blackmail; I don't think I named the sum of money, but I said, "This is blackmail."

Q. Wasn't it the officer behind the desk that called Burns out? **A.** Yes, sir.

Q. And Burns was in an inner room? **A.** Yes, sir.

Q. And Burns came out? **A.** Yes, sir; and followed me all the way up to the job, up to Broad street.

Q. And what did he say to you, following you up? **A.** He said, "It is all a mistake; it is all a mistake; there will be no more of this; you go right on."

Q. That was after your men were arrested? **A.** Yes, sir.

Q. I want to ask you, you have a large and wide acquaintance among builders in this city? **A.** Yes, sir.

Q. And you are well acquainted with the doings and the customs of the trade? **A.** Yes, sir.

Q. Isn't a common custom among the builders of this city to pay to the police department for these bridges, such as you have described?

Mr. Nicoll.— Objected to.

Chairman Lexow.— Overruled.

Q. Answer the question, Mr. Kilpatrick? A. It is the common custom, so far as I know, with other builders in the city of New York, to buy his way, both with the police and with the inspector of buildings.

Q. For everything he does? A. Yes, sir.

Q. For the occupancy of the streets with his material? A. Yes, sir.

Q. To buy his way for everything? A. Yes, sir.

Cross-examination by Mr. Ransom:

Q. Now, a question or two, Mr. Kilpatrick, if you please; as I understand the sentiment of your testimony, you felt that you had been very much outraged by the arrest of your men on this occasion; and you made use of emphatic language to the officer that you saw at the station-house? A. Yes, sir.

Q. And you said, I believe, that was in the year 1890? A. Yes, sir.

Q. Can you remember the month? A. Yes; I remember the month, from my memory being revived from the date I got to-day from the record of obtaining of the last permit.

Q. What was the month? A. It was in the month of February.

Q. You feel entirely clear in your memory that it was February, 1890? A. I don't know that it began in February, but it ended in February.

Q. Well, the rest you have been testifying? A. March and February would embrace the whole period.

Senator Cantor.— January and February?

Chairman Lexow.— No; February and March.

The Witness.— No; January and February.

By Mr. Ransom:

Q. Did you know, at that time, that my friend, Mr. Goff, was one of the district attorneys of this county? A. I knew that he was one of the assistant district attorneys in New York, but I did not know he was at that time.

Q. But you knew he had been at one time? A. I know now he has been.

Q. You did not know then he was then an assistant district attorney? A. No, sir.

Q. You did know then that there was a district attorney of this county, didn't you? A. Why, of course.

Q. Somebody was district attorney? A. Yes, sir.

Q. And didn't you know at that time that Mr. Moss — or Mr. Goff and Mr. Jerome were the district attorney's assistants? A. I never heard of Moss being in that position.

Q. I took his name out; I never did either? A. Well, I have heard of Mr. Jerome and Mr. Goff repeatedly.

Q. Undoubtedly; so we all have; but at that time, my inquiry is in February and March, 1890, did you then know that Mr. Fellows was district attorney and that Mr. Goff and Mr. Jerome were then his assistants? A. I recollect very well that Mr. Fellows was the district attorney, but I could not fix the date, and also that Mr. Goff and Mr. Jerome were assistants, but I could not now fix the period of their services.

Q. Then I understand your testimony to be that you did not, at that time, know Mr. Goff personally; you were not acquainted with him? A. I don't think I ever spoke with Mr. Goff in my life, until I did here in court.

Q. You have been deprived of an honor, I think, and I say it seriously; I have a great respect myself, for Mr. Goff; now, Mr. Kilpatrick, under this outrage upon your rights, feeling as indignant as you did at that time, as you have testified, won't you tell the committee why you did not then make a complaint to the prosecuting officer of this county, the district attorney, for relief? A. I submitted the trouble to the lawyer of Durant, the owners of the property, for whom I was building, and a very prudent, conservative lawyer, says, "You can not go on; these fellows will harass you to death, and you can not get along; you can not beat the whole police force;" then I said, "I can step out; I never bribed a man in my life, public or private, and you can have another builder, but I won't submit to any blackmail from anybody."

Q. You are a citizen of the city of New York, then, having need and occupying sidewalks in your business? A. Yes.

Q. And you never bribed a policeman? A. Never.

Q. And you never sought a policeman, or permitted him to seek you to either receive or demand a bribe for your obstruction of the sidewalk, did you? A. Never in my life.

Mr. Ransom.—I am glad to find one citizen that did not.

Senator O'Connor.— We all are; it is very refreshing.

Mr. Ransom.— It is very refreshing.

The Witness.— So it is. I can live without it.

By Mr. Ransom:

Q. You testified, Mr. Kilpatrick, positively, as of personal knowledge, and I have an idea that you did not mean it quite as strong as that, and I wish to ask you—you testified to Mr. Goff that the builders in this city were compelled to buy their way through the police and through the inspectors; I assume you meant building inspectors? A. Yes, sir.

Q. Not police inspectors? A. No, sir; I meant to say building inspectors.

Q. I suppose you meant that? A. The man located in that district?

Chairman Lexow.— I believe he did say that.

Mr. Ransom.— Did he; well, I did not catch it. I thought he meant it.

Q. Did you speak from personal knowledge in regard to the necessity on the part of builders of buying your way; or did you simply speak from hearsay knowledge? A. I speak from this knowledge, that when the inspector would come to me and say to me, "There is nothing in this for me," speaking of himself, "and I will hold you to the strict letter of the law," I had replied, "That is just what is my business, and if I vary one iota of the law, make your complaint, and I will meet it;" and the very last large building I did in New York, the inspector came to me, and said, "There is nothing in this for me, and that is why I made a complaint;" and he made a complaint, and it cost me \$60, where \$10 or \$5 would have bought him off, to defend it, and I won.

Q. I honor you, sir. A. Mr. Brady tried to avoid my having any expense; I regard him as a most honorable official—the head of the building department.

Q. Now, you have not answered my question; you meant to, but you did not; this is testimony of an experience of your own; you spoke to Mr. Goff, of the builders—every builder in New York? A. Yes, sir; I thought you asked me for my own.

Q. You said every builder in New York, and that you had a wide acquaintance with all the builders in New York, was compelled to buy his way through the police, and the inspectors;

I ask you if you give that testimony upon hearsay knowledge or upon personal knowledge; now, you have testified to your personal experience? A. Yes, sir.

Q. Do you know anything upon the subject except your personal experience? A. I have been approached by builders in my business who were working for me, and who had, among other items, a charge where they had to buy their way; I said, "What are you doing with that; you have no business buying your way with him;" they said, "We can not afford to fight things as you can; we have to submit;" and I can name you men —

Q. You see, Mr. Kilpatrick, you have answered my question in effect by saying your knowledge on that subject is what has been told you? A. Yes, sir; certainly; outside of myself.

Senator Cantor.— I suppose Mr. Brady would be very glad to have any information which affects any one of his inspectors given to him so that he may have an opportunity to make an investigation of the corrupt acts of his employe? A. I always met him in the best possible way, and any wrong was righted.

Senator Cantor.— I think that you will perform a public service, and a service to him, if you have any such information, and can procure it, and lay it before him, so that any guilty inspector can be punished.

The Witness.— I have already done that to the removal of some inspectors. Mr. Brady has always responded promptly to any complaint, and remedied, to the extent of his ability, everything in his power; that is my experience.

By Chairman Lexow:

Q. Do you know, with reference to the general custom among builders; is it the fact the poorer the builder is, the larger the extortion practiced upon him? A. Undoubtedly.

Q. The less they are able to protect themselves, the greater the extortion? A. That is my information from builders who are too poor to defend themselves.

By Senator O'Connor:

Q. That is a matter of common talk and personal understanding? A. That is a matter of information myself, because I have not been known to submit to blackmail from anybody, on any occasion and anywhere; that is what I mean.

By Mr. Goff:

Q. You were approached by the police and on several occasions, apart from the Broad street business? A. Many a time; many a time.

Q. And those policemen, were they officers on duty in the place where your building was going on? A. Yes, sir.

Q. Wardmen as well? A. I do not designate the wardman; I only knew — only I was told by this elegantly private citizen in appearance, Mr. Burns; he was dressed highly.

Q. But, if a private citizen has the income the wardman has, (the witness laughed, but did not answer).

Q. But I wish you to state to the Senators, if it has not been a thing of frequent occurrence that officers in uniform, detailed to the beats in which you were carrying on your building operations, have not asked you for money, "struck you," to use a common phrase? A. I have been arrested, as I suppose, in consequence of my refusal to pay money, and I have had the officer punished, when he brought me to the court; had the case dismissed, and the officer censured by the judge.

Q. And in such case, and in all other cases, you have found that you were subjected to trouble and annoyance, because you did not give away to the officer's demand? A. Yes, sir.

Mr. Ransom.—No questions.

Mr. Goff.—Mr. Lynch; I want to have a word with Mr. Lynch before I swear him; this is the third subpoena that has been served upon this witness, and he indulged in some remarks that are not at all creditable to him as a young man of decency and intelligence about obeying the subpoena of this committee; he is here now, and I wish him to understand he is in court until we get through with him.

By Chairman Lexow.—Why didn't you obey the other subpoena?

The Witness.—I did not know whether it was intended for me; I doubt whether the subpoena was intended for me, and I think I am here by mistake.

Q. Have you any doubt of the present subpoena having been intended for you? A. I asked him about this this morning, and he said it was intended for me personally, and so I came over.

Q. Wasn't your name on the other subpoena? A. Well, the one that brought it the other morning had Smith in, and they changed it and put Lynch on it.

Q. Your full name? A. It was James Lynch; my name is James A. Lynch, Jr.

By Senator Bradley:

Q. What name was on the face of the subpoena you got? A. James Lynch.

Mr. Goff.— I want him to be notified to remain in court until we get through with him.

Mr. Nicoll.— Do you want to intimidate the witness? I understood this gentleman to say his name was subpoenaed under James Lynch, Jr., and his name is James A. Lynch?

Mr. Goff.— He was told he was the man.

The Witness.— I can say I was told I was the man.

Q. You are addressed as shipping clerk; James A. Lynch didn't amount to anything, and Jr. don't amount to anything.

Chairman Lexow.— Do you want the witness sworn now?

Mr. Goff.— Yes; I will swear him now.

James A. Lynch, Jr., was duly sworn:

Chairman Lexow.— You understand you are under oath here, and you must not speak to anybody in reference to the testimony you may give. We will take a recess now until 2 o'clock. All witnesses here under subpoena will attend here at 2 o'clock.

AFTERNOON SESSION.

June 28th, 1894.

James A. Lynch, Jr., called as a witness, having been duly sworn, resumed the stand:

Direct examination by Mr. Goff:

Q. Mr. Lynch, what is your business? A. Clerk.

Q. Shipping clerk or general clerk? A. General clerk.

Q. What is the business you are engaged in? A. Liquor business.

Q. Wholesale liquor? A. Wholesale and retail; yes, sir.

Q. What is the firm you are connected with? A. It is my father's business.

Q. Mr. Lynch, do you pay out money to any person for the privilege of using the sidewalk? A. No, sir.

Q. Does your father? A. No, sir.

Q. Did you ever hear of it? A. No, sir; we never use the sidewalk.

Q. Do you pay money or have you paid money to any police officer of any kind? A. No, sir.

Q. Has your father ever ordered you to pay? A. No, sir.

Q. You make all payments by check? A. Yes, sir; unless it is some small amount or little bill or ordinary sundries.

Q. Of amounts under \$5? A. Yes, sir.

Q. But anything over \$5 you pay by check? A. Yes, sir; as a general rule.

Q. Who has charge of the check-books? A. Father.

Q. Does he sign all checks? A. Yes, sir.

Q. Do you ever draw checks? A. No, sir.

No cross-examination.

Owen Golden, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. Produce dealer.

Q. Where is your place of business? A. Eighty-eight Dey street.

Q. How long have you been there? A. Twenty-one years.

Q. Mr. Golden, what do you do with the envelopes you collect?
A. I give them to the policemen.

Q. What policemen? A. I don't know, sir.

Q. How many envelopes did you collect? A. Did I collect?

Q. Yes? A. I collected, I guess, eight or ten.

Q. What block did you collect on? A. Between West and Washington streets, on Dey street.

Q. What block did Entwistle collect on? A. Between Washington and Greenwich, on Dey street.

Senator O'Connor.—Is this the gentleman Mr. Entwistle spoke about?

Mr. Goff.—Yes, sir.

Q. Who told you to do the collecting? A. Nobody; I done it voluntarily, through friendship and good nature.

By Chairman Lexow:

Q. Good nature for whom? A. I suppose — suppose to be for the captain.

By Mr. Goff:

Q. Were you related to the captain? A. No, sir.

Q. Had he ever done you any kindness? A. Never interfered with us on the sidewalk.

Q. Did you say you did it through friendship and good nature to the captain? A. Yes, sir.

Q. What captain? A. That I can not tell you; I don't know who the captain was; it is three years ago.

Q. Captain of what station-house? A. Church street.

Q. Just take your hand down; that's it; now we can understand you better; you mean to tell this committee that you did that through friendship and good nature to the captain you had never seen? A. I never saw the man to my knowledge in my life.

Q. Did you ever hear what his name was? A. Not this third captain.

Q. Is it not a strange coincidence for you to feel friendship for a man that you never had a friendship for? A. Yes, sir.

Chairman Lexow.—He gave a reason for it; he said he was not disturbed on the sidewalk.

The Witness.—No, sir; nor anybody else that I heard of, in eight or 10 years.

Q. You said you were not disturbed in using the sidewalk; and you consider, as you were not disturbed in using the sidewalk, and he treated you good in not using the sidewalk? A. Yes, sir.

Q. Weren't you talking to some police officer about it? A. What; collections?

Q. Yes. A. No, sir.

Q. Didn't you know there were collections taken up before? A. Yes, sir.

Q. That has been the custom? A. Yes, sir.

Q. Custom ever since you have been there? A. Yes, sir; nearly that.

Q. How long is it since you have been there? A. Twenty-one years.

Q. And you went around of your own free will the very first time and collected these envelopes? A. Some was collected by me and some were sent to me.

Q. Did you request the people to pay the money in the envelopes — to put it in the envelopes? A. No, sir; I did not.

Q. When you went into the merchants' houses or stores, what did you say? A. I told him the captain was going on his vaca-

tion, and I should like to have a little present for him before he went.

Q. Was there anything said to him about the amount? A. No, sir.

Q. Did you say anything to them about putting the money in an envelope? A. No, sir.

Q. The envelopes were all prepared? A. Yes, sir; when they came to me.

By Chairman Lexow:

Q. Were they sealed up? A. Yes, sir.

By Mr. Goff:

Q. These houses you visited and collected the envelopes from? A. No, sir; when they were sent to me; only the three that I collected.

Q. You collected three? A. Yes, sir.

Q. The three that you collected were they already sealed when you went into the stores? A. No, sir; they were not.

Q. Were they sealed at all? A. When they were handed to me.

Q. Were they all ready waiting for you? A. No, sir.

Q. Did you wait there until you saw the money put in them? A. No, sir; I didn't.

Q. Did he say you were to call again? A. No, sir; he did not.

Q. They were open every time you went there and they gave them to you? A. One place I was going out of the door and the gentleman handed them to me and called me back.

Q. More than one place? A. Yes, sir.

Q. In each place? A. Two out of three.

Q. In each place you announced the object of your visit? A. Yes, sir.

Q. They knew what you came for? A. Yes, sir.

Q. You told them you wished to make a collection for the captain's vacation? A. Yes, sir.

Q. Did you do that more than once? A. Twice.

Q. Did you understand Entwistle, when he got it, or collected some and gave it to you? A. Yes, sir; he was collecting in the next block and I was not.

Q. After you collected all these envelopes, who was the person who called upon you for them? A. A policeman.

Q. How do you know, or how did he know, that you had collected them? A. I do not know, except somebody told him.

Q. How long did you keep the envelopes before the call was made upon you by the policeman? A. A week.

Q. Did you know the policeman who called upon you? A. No, sir.

Q. Do you think you could identify him? A. Yes, sir.

Q. What did he say? A. He asked me if there was any envelopes there for the house?

Q. What house? A. Station-house, I suppose.

Q. You understood him to mean the station? A. Yes, sir.

Q. And you said there was? A. Yes, sir.

Q. How many envelopes did you hand over to him? A. I couldn't tell you that.

Q. Twenty? A. There may be; I can't say there was not.

Q. Was there more than that? A. I can't tell you that.

Q. You wouldn't say 20 was not the number? A. I don't remember; there may be more.

Q. Do you know how much money was in any one of those envelopes? A. No, sir; except one.

Q. How much was in that? A. Ten dollars.

Q. There was money in all of them? A. I suppose there was.

Q. You expected it; you understood from the parties that gave them to you that there was money in them? A. That was my intention at the time; yes, sir.

Q. Did you contribute to the captain's vacation? A. I did.

Q. How much did you contribute? A. Yes, sir; \$10.

Q. Is that the one you spoke of? A. Yes, sir.

Q. The one with the \$10 in? A. Yes, sir.

By Senator O'Connor:

Q. What did you say you do? A. In the produce business.

By Mr. Goff:

Q. Do you occupy the basement? A. Yes, sir; and the store also.

Senator O'Connor.—Did you think it is necessary to multiply this evidence against the extortion for the use of the sidewalk, etc. It seems to me that the evidence on that question is abundant.

Mr. Goff.— I don't think it is; except only as to this point; that is, that this witness was named by another witness as doing the collecting on another block or in another district.

Chairman Lexow.— It shows a different system.

Mr. Goff.— Yes, sir; they make collections sometimes in envelopes and here we have a man who got it alone.

Senator O'Connor.— Would it be bad policy to invite some of these citizens now with calling on all these witnesses who have been called upon and systematically bribed; I think they have been about as guilty as a police officer.

By Mr. Goff:

Q. Do you know in that district whether there were any others beside yourself and Entwistle engaged in this collecting? A. No, sir; I do not know.

By Senator Bradley:

Q. Do you mean to say that you gave that money to the policeman without knowing that policeman or without knowing what he was going to do with the money? A. I did; he asked me if I had it, and I told him I had; he asked me if I had anything for the house and I said I had and gave it to him.

Q. You felt that you were responsible for the money? A. Yes, sir.

Q. The envelope? A. Yes, sir.

Q. You collected them for certain persons? A. Yes, sir.

Q. Did you give these up to this policeman without knowing how much money was in these envelopes? A. He asked me if I had any money for the house.

By Mr. Goff:

Q. You gave it to him because he asked you? A. Yes, sir.

By Senator Bradley:

Q. Was it not the wardman that you handed them to? A. No, sir; I never saw the wardman to deliver to him any envelopes in my life.

Q. Was he the man on that beat? A. No, sir.

Q. Didn't he tell you he was sent by another person? A. I supposed he was sent there; I know they were collected.

Q. Are you in the habit of doing business as loosely as that?
A. Once in a while.

Q. As loose as that, do you mean to tell us that you, as a business man, do business? A. Yes, sir.

Q. This is your understanding as to how business is done?
A. Yes, sir; I understood all about it.

Q. It is a very strange proceeding and the strangest proceeding I have ever seen, to give money to a man you don't know.

By Chairman Lexow:

Q. Your understanding of this thing was that the captain wanted it? A. Yes, sir.

Q. You understood that this matter was to be kept quiet?
A. No, sir; I didn't understand anything about it; if I had I would not have collected them and got myself into a scrape, or bothered about it at all.

By Senator O'Connor:

Q. What did you pay the \$10 for? A. For the captain; for good nature.

By Senator Bradley:

Q. Have you got any more of those \$10 to give away, because, if you have, we might want some ourselves; give me a few if you will? A. I will give you \$50 if you want it or if you need it.

By Senator O'Connor:

Q. You did this on account of good nature toward the police force? A. Yes, sir.

Q. You gave that \$10 for that purpose? A. Yes, sir.

Q. Who else have you paid \$10 to outside of this policeman or the captain for good nature and friendship? A. To many people I have lent it to.

Q. As a courtesy; is that what you mean to say that you gave it out of good nature; courtesy to the captain of the police force? A. Yes, sir.

Q. Can you name any other person to whom, out of courtesy, good nature and friendship, you have given \$10? A. No, sir; I can't name them.

Q. Your courtesy seems to be confined to police officers? A. No, sir.

Chairman Lexow.—He has already said he gave it for the purpose of not being disturbed on the sidewalk.

By Mr. Goff:

Q. You say you made two collections of these envelopes? A. In two separate years; one in each year.

Q. How far apart? A. Ten or 12 years apart.

By Senator Saxton:

Q. As you understood it, these collections were made every year? A. Yes, sir; about vacation time.

Q. There had been contributions of that kind every year? A. I understood so.

Q. Didn't you have an understanding that there were such contributions every year? A. Yes, sir.

By Mr. Goff:

Q. Is it not a matter of fact that you knew every policeman in that precinct? A. No, sir.

Q. And they frequently visited your place? A. The gentlemen on post.

Q. The gentlemen on post? A. Yes, sir.

Q. And other officers, too? A. No, sir; not that I know of; I am not there all the time.

Q. While you were there; I am speaking of your own knowledge; didn't police officers, in that precinct, visit your store, while you were there very frequently? A. No, sir; none except the gentlemen who were on post.

Q. Outside of the man that was on post? A. Not that I know of.

Q. Will you swear they did not? A. Yes, sir.

Q. Will you swear you were not visited by a score of officers from that station-house named? A. The most I know is the man on post.

Q. You were not? A. The man on that post I knew; the policeman never bothered with me at all in my life.

Q. Will you swear that you were not visited by one of the officers — wasn't there a horse named after you and didn't he see you about that horse ran? A. You must know something about me yourself.

Q. I do. A. They named a horse after me — they named two after me; one Gelden I, and one Gelden II.

Q. Didn't the policemen in that precinct know that you were interested in these horses? A. I am not interested.

Q. They were called after you? A. Yes, sir.

Q. And being their patron saint, didn't the policeman know about it, and didn't they come to you to find out something about running performances? A. No, sir.

By Chairman Lexow:

Q. Who told you first to go around and get these envelopes? A. Nobody.

Q. Did you go around after them on your own condition; nobody told you to? A. No, sir; I went voluntarily.

Q. Didn't somebody suggest to you to go around? A. No, sir.

Q. How did you know where to go to? A. I only went to people in the same business as myself.

Q. Nobody asked you to go? A. No, sir.

By Senator O'Connor:

Q. What made you to suppose that they had envelopes to deliver to anybody? A. What's that?

Q. What led you to suppose they had envelopes to be delivered to anybody? A. These gentlemen that I went to?

Q. Yes. A. I didn't suppose they had any to deliver; I only went to them and asked for it.

Q. Why did you go to their store; did you ask them if they had envelopes to be delivered to the policemen? A. I didn't ask that; no.

Q. What did you go for? A. Only for to see if I could get anything to make the pile bigger.

Q. To make the pile bigger? A. Yes, sir.

Q. Of course, you knew where the pile was going to? A. Yes, sir; I did.

Q. And you assumed that the men in the same kind of business that you were in were obliged to pay some kind of tribute? A. No, sir; they were not obliged to contribute; no obligation on them at all.

Q. They did that for the purpose of business? A. I suppose they did.

Q. You expected that you would raise sufficient to make this presentation? A. No, sir.

Q. What did you expect? A. I didn't expect anything.

Q. What did you do it for? A. I told you it was for good nature and friendship.

By Mr. Goff:

Q. Friendship for a man that you have never seen? A. That's right.

By Chairman Lexow:

Q. Have you spoken to any policemen yesterday or day before yesterday? A. Yes, sir; the man on post this morning.

Q. What was his name? A. Byrnes.

Q. What did you say to him? A. He told me to tell the truth, and nothing but the truth.

Q. Did you tell him that you had been going around collecting and that you were going to tell the story to this committee? A. No, sir.

Q. How did he come to tell you to tell the truth? A. He knew I wouldn't lie.

Q. Did you tell him what you had done or have been doing? A. No, sir; I told him yesterday morning.

Q. Did he know what you were doing? A. No, sir; not in the past eight or 10 months.

Q. How long did you speak to him? A. About three minutes; not over that.

Q. How did you come to meet him? A. He came around on his post in Dey street.

Q. Did he come in your store? A. No, sir; around on the sidewalk.

Q. It was in front of your store? A. Yes, sir.

Q. Right in front of the store? A. No, sir; in front of the door.

Q. He didn't come into your store? A. No, sir.

By Mr. Goff:

Q. Now, is it not a fact that all the other merchants there, business men, pay \$25, and that you were let off with \$10 on account of your making the collections? A. That I don't know; I can't say anything I don't know.

Q. Wasn't \$15 knocked off your tribute because you made the collection? A. There was nothing knocked off.

Q. Didn't all the rest pay \$25? A. Not that I know of.

Q. How did you come to fix upon \$10? A. Because that was all I could afford to spare at that time.

Q. How often did you pay \$10? A. Twice.

Q. But how did you come to fix upon \$10? A. The first, I paid it.

Q. Is it not a fact that you made these collections and that \$15 was knocked off your tribute on that account? A. No, sir; I was never talked to by anybody in my life.

Q. You said a little while ago that you were there 21 years, and that has been the custom of the merchants there? A. Yes, sir.

Q. And now you say you were never talked to? A. Yes, sir; nobody asked me for any money, and I only paid it twice in my lifetime.

Q. Then why did you answer that it was the custom of the merchants for 21 years while you have been down there? A. I heard it, sir.

Q. Are you always let off? A. Yes, sir.

Q. What did you do for the \$10, so that you were let off? A. I never done anything for any policeman.

Q. You made these collections? A. Two years; yes, sir.

Q. Was that the first service you ever done for any policemen? A. Yes, sir.

By Chairman Lexow:

Q. Didn't you know that Entwistle paid \$10 instead of \$25? A. He called on his people, and I don't know what he gave.

Q. Didn't you have an understanding with Entwistle? A. I did not know he gave an envelope until this morning.

By Senator Bradley:

Q. You say he never talked with you? A. Yes, sir; I didn't know he had an envelope in the lot that he gave me.

No cross-examination.

James Carney, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. Liquor business.

Q. Where is your store? A. Six hundred and one Columbus avenue.

Q. Are you in the retail business? A. Yes, sir.

Q. I want to be very brief with you, as you have first been patient in waiting here, and I will let you go as soon as possible; did you, some years ago, have trouble with the police touching the excise law? A. No, sir; never, in my life.

Q. No trouble? A. No policeman whatsoever.

Q. Did you ever make complaints about any person or about any policeman being placed in front of your store? A. Never in my life.

Q. Do you remember dealing with a wholesale firm, of which Mr. Kersey is a member? A. I never bought any liquor of Kersey in my life.

Q. You know Mr. Kersey? A. No, sir; I do not.

Q. You have never been arrested for violation of the Sunday law? A. Twice.

Q. When was that? A. About two years ago, once, and about a year ago last, for a violation.

Q. With what wholesale firm have you been dealing? A. Principally with Peter McQuade, and sometimes with Phalen & Duval.

Q. When did you commence dealing with Phalen & Duval? A. About two years and a half ago.

Q. Before you dealt with Phalen & Duval, from whom did you buy liquors; that you had since bought from Phalen & Duval? A. The Distilling Company and Peter McQuade and Phalen & Duval.

Q. What firm or concern did you give up dealing with when you went to deal with Phalen & Duval? A. Gave up none.

Q. Kept it up in the same way; kept up buying in the same way? A. Buy as I always bought.

Q. Was there any suggestion of any kind over any question that you should deal with Phalen & Duval? A. None whatsoever.

Q. A voluntary act on your part? A. On my part.

Q. And how long ago did you commence dealing with them? A. Ten or 12 years.

Q. Did they ever try selling you before you commenced to deal with them? A. Never tried to sell me any.

Q. Did you go to them yourselves? A. Yes, sir.

Q. Had you been arrested for the violation of the excise law when you went to them? A. No, sir.

Q. Never? A. Never.

Q. You have been arrested twice since? A. Twice since.

Q. Have you more than one store? A. Only one, sir.

Q. You say that there was no policeman placed outside of your store? A. Never for one second.

Q. You never complained of a policeman having been placed outside of your store? A. No, sir; never, sir.

No cross-examination.

Daniel Holland, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. Liquor business.

Q. Where is your place of business? A. Two thousand three hundred and eighty Second avenue.

Q. Are you, at the present time, president of the Wine and Liquor Dealers' Association of the city of New York? A. I am.

Q. And have been for how long? A. This is the second term of one year each.

Q. Did you read the subpoena that you have been served with? A. No; only took a superficial glance over it.

Q. Do you remember reading a subpoena calling upon you to produce any books or papers of your association? A. The subpoena server called my attention to the written notice on the back to that effect.

Q. Have you any books or papers in your possession of that association? A. No, sir.

Q. Does the president of the association keep any books at any time? A. No, sir; not connected with the association.

Q. Of course, I do not speak of your private business; I only wish to ascertain about the books; you don't keep any connected with the association? A. No, sir.

Q. Who keeps the books? A. The secretary.

Q. There are more secretaries than one? A. Yes, sir; the recording and financial.

Q. And who is the recording secretary? A. Mr. Keilty.

Q. Who is the financial secretary? A. Mr. McLaughlin.

Q. Does the treasurer keep books? A. Yes, sir; his own accounts.

Q. As treasurer? A. Yes, sir.

Q. Then there are trustees, are there not? A. Yes, sir; three trustees.

Q. Do they keep any book or memorandum of account? A. No, sir; none in connection with the affairs of the association.

Q. In connection with the matters of which they are trustees, do they not? A. I will have to stop for a moment to think; we have what is known as a finance committee who might properly be designated as a board of trustees; there is no accounts that they have no writing kept, they act as a committee and audit the accounts of the financial secretary and treasurer, and audit all vouchers, and they also approve of the bank account; that is in the way of deposits.

Q. How about the drafts? A. The drafts have to be signed by the president, the financial secretary and treasurer, and the chairman of the finance committee; four signatures.

Q. Four persons sign them? A. Yes, sir.

Q. The whole four? A. Yes, sir; or a majority of those four.

Q. No money in connection with the association can be paid out except upon drafts signed in the manner which you have indicated? A. No, sir.

Q. Are there not some standing committees in the association? A. Yes, sir.

Q. Will you please give us the names of the standing committees and the chairman of each committee? A. A standing committee known as the excise committee.

Q. And the chairman of that committee? A. He is Mr. Schieren at the present time; I can not remember any other standing committees; we have no committee we could designate as a standing committee, except the committee known as the committee on correspondence; that is not a standing committee.

Q. Have you not a committee on legislation? A. Not from the central association; the State association attends to that.

Q. So in reality the only permanent standing committee you have is the excise committee? A. Yes, sir.

Q. What are the duties of that committee, Mr. Holland? A. The principal duties are to take care of our members when they get into trouble.

Q. They have a general supervision or kind of protection over the members of the association? A. Yes, sir.

Q. Is it not also part of their duty and has it not been part of their duties to help in obtaining or securing legislation of a remedial nature as far as they are concerned? A. Not that com-

mittee; all those matters are left in the hands of the State association.

Q. You form part of the State association? A. Yes, sir.

Q. In the city of New York you have several branch associations? A. Yes, sir.

Q. How are they located, as to precincts or wards? A. In some cases they are designated as precincts, in others by districts, and in others by wards; they are not all designated in the same way.

Q. But they are all a branch or subordinate? A. Yes, sir.

Q. In regard to the finances, what connection do they have to the association; how much do they pay? A. They pay each \$50 a year.

Q. Is that all they pay? A. That is all.

Q. And, so far as their own finances are concerned, they have the sole management of them? A. Yes, sir; in their local association.

Q. Have you a list, Mr. Holland, of the names of the officers in the various ward associations or local associations in New York? A. We have, of course, by referring to our roll-book, but I do not think I could give them from memory at the present time.

Q. Twenty-nine or 30? A. Yes, sir; in the city of New York.

Q. You are sure there is such a list? A. Yes, sir.

Q. And your central association is made up by the various locals by delegates from each local? A. A president and three delegates.

Q. And they form what is called the central association? A. Yes, sir.

Q. When did the association hold its last meeting? A. The central association, the second Tuesday of this month.

Q. Of June? A. Yes, sir; of June.

Q. How often do they meet? A. The regular meetings, the second Tuesday of each month.

Q. And special meetings may be called? A. Of course, when the necessity requires.

Q. Have there been any special meetings called during the year 1894? A. I think there was one in February, but I am not positive now as to the date.

Q. Was it after or before this committee commenced its sittings in public? A. I believe the committee was in session at the time; it had reference to our giving our annual ball.

Q. That was a special meeting? A. Yes, sir.

Q. At your last meeting in June of this year, I presume, Mr. Holland, the secretaries had their books there? A. Yes, sir.

Q. These books are in the keeping of the secretary? A. I suppose so; they are the custodians.

Q. They have a personal control of them; there is no safe or repository where they are put? A. The association has no repository or safe.

Q. They take charge of their own books? A. Yes, sir.

Q. Where the secretary's term of office expires, it is his duty, of course, to turn his books over to the successor or to the association? A. Yes, sir; the constitution called for it.

Q. And what is true of the secretary is true of the other officers? A. Yes, sir; the same rule applies to each.

Q. I merely wish to ask you these preliminary questions to-day; that is all, unless Mr. Ransom wishes to exercise his privilege.

Mr. Ransom.—Very much obliged. I have no questions.

Henry Keilty, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business, Mr. Keilty? A. Liquors.

Q. Where is your place of business? A. No. 2142 Third avenue.

Q. Are you the recording secretary of the Wine, Liquor and Beer Dealers' Association of New York? A. Yes, sir.

Q. That is the name, is it? A. Yes, sir; Wine, Liquor and Beer Dealers' Central Association.

Q. How long have you been the secretary, 10 years? A. Yes, sir.

Mr. Ransom.—That is the same association?

Mr. Goff.—Yes, sir; it is the same association.

Q. Have you been secretary constantly? A. Yes, sir.

Q. For 10 years? A. Yes, sir.

Q. Recording secretary all the time? A. Recording secretary all the time.

Q. And your duty is, I presume, to keep the minutes of the meetings? A. And do all correspondence.

Q. And record resolutions passed, etc.? A. Yes, sir.

Q. Now, Mr. Keilty, are there not some meetings called executive meetings? A. Well, I can not say that we have had any

meetings as executive meetings, but in many cases we have went into executive session.

Q. Is that executive meeting composed of a smaller number of delegates? A. No, sir; the same quantity, but excludes all outsiders; newspaper reporters, etc.

Q. Are there any committees that transact the business of the association deputed to them? A. There is no committee that has the right to transact any business, but there is what is sometimes called — they assume the right to transact the business of the organization and they call themselves an executive committee comprising the presidents of the local districts, but they have not got the authority.

Q. That is what I want to get at; this so-called executive committee, whether they are without the constitution or within the constitution, we will not go into, but the so-called executive committee is composed of the presidents of the local branches? A. Yes, sir.

Q. What is the nature of the business they transact? A. Well, I do not know but generally of the organization, that is, for instance, they hold a meeting of the so-called executive committee; so-called executive meeting — they held one a short time ago, and it was for the purpose of trying to see by what manner the price of ice could be reduced; the ice companies were charging, I believe, 25 cents for it; in fact, all dealers would charge 25 cents more or less; we thought that was an exorbitant price, and I think it was by a resolution of the central association that the executive committee was called to take the matter under advisement for the purpose of seeing by what manner or means it could be prevented.

Q. Does the president of the central association preside at meetings of the executive committee? A. Yes, sir; he does.

Q. At such meetings do you act as recording secretary? A. Yes, sir.

Q. And do you keep a minute of the proceedings of that committee in a book different from the proceedings of the meetings of the general association or central association? A. Well, some years ago, I believe I did keep the minutes of the executive committee meetings in a different book, but we have held so few meetings of the executive committee lately, that at the last meeting that was held I made a motion myself that the minutes of the executive committee meetings be added to the minutes of the regular meetings that were then holding and so recorded in the minutes of the day's meetings.

Q. Have you, in your possession, all the minute-books from the time of your inception of the organization? A. I have not.

Q. Where are they? A. They were surreptitiously taken from me.

Q. Since the meeting of this Senate committee? A. Yes, sir.

Q. They were stolen from you? A. Yes, sir.

Q. And is it not a fact that they were stolen from you because for fear that this committee would call for them? A. That is what I believe myself; yes, sir.

By Chairman Lexow:

Q. Give us dates and time? A. I can not give you date or time.

By Mr. Goff:

Q. You are unable to do that? A. Yes, sir.

Mr. Goff.—I know Mr. Keilty and know him to be a decent man and an honorable man, and he would not forswear himself for any man.

Q. Do you know the place where they were surreptitiously taken away from you? A. Well, I kept a rough minute of the meetings.

Q. I wish to place you right; now, Mr. Keilty, has there any communication, directly or indirectly, through any means whatsoever, so far as your knowledge is concerned, passed between you and me for the last year? A. No, sir; I don't think so; well, I guess it is not quite a year.

Q. About a year this summer? A. Yes, sir.

Q. Have you seen me or heard from me in any manner, shape or form? A. I have seen you.

Q. I mean to talk with me? A. Not about any particular business; I saw you in Harlem a few months ago, when you were counsel for that celebrated case in West Harlem.

Q. I was attending court up there? A. Yes, sir.

Q. I mean, in reference to this committee? A. No, sir.

Q. I want to place yourself right as well as myself; how this fact came to my knowledge you are unable to say; independent of any knowledge or information you have caused to be given to me? A. Yes, sir.

Q. Will you tell this committee why these books were taken from you; give this committee your own version of it? A. Well, the city president of our association —

Q. Who is that? **A.** Morris Tekulsky; we were looking over the minutes of the association for some years; I believe it was on the Sunday night prior to April 10th, and he cautioned me to be so careful about the books, and I was so careful about the books that I took them upstairs and placed them on my bureau and covered them over with a towel, and the meeting that took place on the following Tuesday I was led to believe that some of the wiser heads of the association were to meet with me and have a look over the books to see if there was anything in them that was detrimental to the interests of the organization or person; that is what I was led to believe; I gave an order on my wife to give the bearer—I did it hurriedly to give the bearer the book and where she would find it, telling her she would find it in a certain place, and that was given to the chairman of the organization, and he—

By Senator Robertson:

Q. The chairman of the State organization? **A.** No, sir; the chairman of the central organization.

By Mr. Goff:

Q. Mr. Holland? **A.** Yes, sir; and there was some person delegated to bring the book down to the association room.

Q. In Union square? **A.** Eight Union square; and I found out afterward, when I went home that night, that there was no member of the association that called for the book, but a telegraph messenger boy, and from that day to this I have not seen the book; on the same meeting day I had the rough minute book that I took the rough minutes in, to rewrite them into the minute-book proper; there was quite a commotion when the meeting adjourned, and I turned around and I found I had lost my roll-book, and I accused the members of the organization of being afraid, and when I commenced to look more closely in the packages that I was preparing with my books, I found it was the rough minute-book that was taken from off my desk in the rooms of the central association.

By Senator Saxton:

Q. Taken off your desk at that time? **A.** Yes, sir.

Q. When your attention was distracted? **A.** Yes, sir.

By Senator Lexow:

Q. Have you any suspicion as to who took it? A. Well, I might have a suspicion about it, but it would perhaps be a groundless one.

Q. Was there anybody so close to you that he could take it away without noticing him? A. Well, there was so many in the room that anybody could take it.

By Senator Saxton:

Q. You say there was some commotion? A. Yes, sir; there is always some commotion which attends the adjournment of a meeting.

Q. Simply the commotion of getting out? A. Talking and all that; yes, sir.

By Chairman Lexow:

Q. Was there any hot debate or dispute in progress there? A. I don't believe there was anything more than usual.

By Senator Saxton:

Q. Was the subject, or had the subject, anything to do with your books; had the subject been brought up about your books having been taken? A. I believe it was.

Q. And that was discussed, was it? A. Yes, sir; Mr. Tekulsky — no; not on that day but a subsequent meeting; not on that day.

Q. I understood the books had been sought for? A. Yes; that was on that particular day, but nothing said at the subsequent meeting.

By Chairman Lexow:

Q. Was anything said in reference to the testimony of Mr. Tekulsky given on the stand here? A. I believe not.

Q. As to whether there were any communications contained in these books that was different from the testimony that he had given here? A. I do not believe there was.

Q. You remember he was asked in reference to the contents of some of the books of the association, don't you; did you read the testimony? A. A portion of it.

Q. Was it with reference to that that you had your conversation with Mr. Tekulsky? A. I believe it was; of course, it had something to do with it.

Q. When you examined the books didn't you find that the books did contain substantially what was required of Mr. Tekulsky which he denied here? A. Well, I could not really say, Mr. Chairman.

Q. Was it not about that that you spoke with him? A. No; I firmly believe that Mr. Tekulsky answered the questions — I read his evidence at the time carefully, and the questions were not properly propounded; yes or no would answer the questions; I believe he answered them honestly.

Q. You mean by that in the way the questions were put to him were such that he could avoid giving the answer that was sought to be obtained at the time? A. That is it.

Q. And that afterward upon investigation of these books it was found that his testimony really ought to have been different from what he ought to have gave? A. No, sir; that is not it, Mr. Chairman.

Q. Is that not what you mean? A. No, sir; it was conjectured that the books would have to be produced before this committee and we only looked over them and came to the conclusion that there was not anything in the books that any reasonable man would be afraid to place before the committee; there were some very spicy minutes in them, but nothing that they should be afraid of; it was proved conclusively that our organization was not a partisan organization.

Q. Was it not proved substantially that the testimony that was given here by Mr. Tekulsky was in variance with the contents of these books? A. It was not; no, sir.

By Mr. Goff:

Q. Let us see, Mr. Keilty; can you tell this committee —

By Senator Saxton:

Q. Suppose, if the books had been produced, it would have given the counsel for the committee an opportunity to say things and put different questions to Mr. Tekulsky and have elicited different results? A. Yes, sir; that is the idea.

By Mr. Goff:

Q. But, Mr. Keilty, will you tell us, now, if you please, how many books were stolen from your house? A. One.

By Chairman Lexow:

Q. And one from the table? A. Yes, sir; one from the table.

By Mr. Goff:

Q. What was the book stolen from your house? A. It was not stolen, because it was surreptitiously taken.

Q. We lawyers call that stealing; the person to whom you gave the order was not the person who presented the order? A. No, sir; a telegraph messenger, I understood.

Q. And that book which was taken, I will adopt the word taken, from your house; what was the book? A. It was the minute-book, for perhaps about four or five years.

Q. For over five years? A. I guess about five years.

Q. What was the book that was taken from your desk at 18 Union square? A. It was the rough minutes of the meetings of perhaps for two years.

By Senator Bradley:

Q. In pencil? A. Yes, sir; in pencil.

By Mr. Goff:

Q. You were in the habit of transcribing the rough minutes in the regular minutes? A. Yes.

Q. At the meeting I presume you would be heard? A. I couldn't do it.

Q. You could not write them down in full and took them down roughly in pencil? A. Yes, sir.

By Chairman Lexow:

Q. And then the minutes were proved at the next meeting? A. Yes, sir.

By Mr. Goff:

Q. Do you know of any other books of the association that have disappeared? A. I do not know; no, sir.

Q. I would like to get your memory as nearly as you possibly can give it upon the date of the disappearance of the book from your house? A. The 10th of April; because I have got the order that I have gave.

By Senator Saxton:

Q. I thought you said at a subsequent meeting? A. I say at the meeting subsequent to the 10th of April; that is the time; this mark on here, my little girl crossed that on there; this is the note I gave the chairman of the organization.

(Witness hands paper to Mr. Goff.)

Mr. Goff.— We offer that in evidence. I will read it:

“ 8 Union square, April 10, 1894.

“ Dear Bell.— ”

By Mr. Goff:

Q. That is your wife? A. Yes, sir.

Mr. Goff (reading).— “ Dear Bell: Please give bearer the book, placed on bureau, covered over by towel. Yours, etc., Henry Keilty.”

The Witness.— This address was not written by me.

Q. Who wrote that address? A. I don't know.

Q. When did you see this address written on it? A. When I went home.

Q. Didn't you read that address? A. No, sir.

Q. You didn't write it? A. No, sir.

Mr. Goff.— We offer that in evidence.

The Chairman.— Mark that Exhibit 1, of this date.

(This paper marked Exhibit 1, June 28, 1894.)

Q. Now, Mr. Keilty, on that meeting of the 10th of April, Mr. Tekulsky was present? A. I believe he was; yes, sir.

Q. Where was it that Mr. Tekulsky said to you to be careful of the books? A. That was on Sunday night previous to this meeting.

Q. Where was that; in your house? A. Yes, sir.

Q. Did Mr. Tekulsky visit you frequently before that? A. Yes, sir; his mother lives up our way, and he comes in very frequently.

Q. Was that the Sunday night that Mr. Tekulsky had been examined by this committee? A. Perhaps it was; I am not sure.

Q. But, anyway, it was after the examination? A. I guess it was after he was examined.

Q. So that, in so far as you were concerned, you never received a subpoena to produce any books before this committee until the present subpoena? A. Not until the last one.

Q. You conversed with Mr. Tekulsky about his testimony before this committee? A. Yes, sir; and agreed with him upon it that he had given correct testimony.

Q. Agreed with him that he had testified correctly? A. Yes, sir.

Q. I will read from Mr. Tekulsky's testimony, Mr. Keilty.

Mr. Goff.—Mr. Chairman, what was the date of our sixth meeting?

Chairman Lexow.—Is not the date on the minutes of the testimony.

Mr. Goff.—No, sir; it simply says in blue pencil, continuation of sixth meeting, and in the stenographer's minutes, there is nothing to show the date; it says, Morris Tekulsky, called as a witness, being duly sworn, and so forth.

Q. I will read this over, and I do not ask you any question yet until I get through; I want you to listen to it; I read it for the purpose of refreshing your memory: "Q. Mr. Tekulsky, does your association keep records? A. Yes, sir. Q. Can you produce, before this committee, the record showing the appointment of committees for your association within the past six months? A. By all means." Now, was such record kept, Mr. Keilty, of the appointment of committees for the past six months? A. I do not understand you.

Q. I will read it again; this question was put to Mr. Tekulsky: "Now, Mr. Tekulsky, can you produce before this committee the records showing the appointment of committees for your association within the past six months? A. By all means." Now, were there records of your association showing the appointment of committees? A. There may have been, Mr. Goff.

Q. If there were such records, would they be in your keeping? A. Most assuredly.

Q. Were there such records or not? A. I can not answer that, because it takes all my time to take down the minutes, and if I did not rewrite them after taking them down, I could scarcely make a report to the organization, of which I am a delegate.

Q. The local branch? A. Yes, sir.

Q. I will read further: "Q. And showing the reports of those committees? A. Yes, sir. Q. And the action of your association thereon? A. I suppose so. Q. Will you furnish those to the committee at their next session? A. That I can not promise;

I am not the secretary. Q. I ask you if you can furnish them? A. I can with his consent, and the consent of the organization.

Q. By Chairman Lexow.—Who is the secretary? A. Henry

Keilty. Q. Where is his place of business? A. One Hundred and Seventeenth street and Third avenue. By Mr. Sutherland:

Q. What is his business? A. Liquor business. Q. And that is his liquor store? A. That is his store; his business. Q. He has

the secretary's office in the same place? A. He has no office particularly; that is where he is supposed to keep the books, and he—I can not say as to that. Q. What else may be there? A.

They may be at the headquarters, No. 8 Union square. Q. Is anybody in charge there? A. The janitor. Q. Anybody that

has access to the books? A. Nobody but Mr. Keilty." Now, the books that Mr. Tekulsky had reference to, were books then in your possession? A. I believe so.

Q. And did Mr. Tekulsky, after testifying before this committee, make any request upon you to produce the books before this committee? A. He did not; no, sir.

Q. Did he make any request upon the organization at any meeting of its committees to produce books before this committee? A. At a subsequent meeting of our organization, he caused quite a tumult to be raised of the very fact of the books being taken of the organization; he condemned the fact of the books being taken away, and there was quite a little time over the books being taken.

Q. Now, I am not exactly clear upon this line; on the Sunday night that Mr. Tekulsky was at your house, he said, "Be careful of your books;" had you then all your books in your possession at that time? A. All of them; yes, sir.

Q. How many in number? A. I had the regular minute-book and the rough minute-book.

Q. Two? A. And other correspondent slips, and papers, and so forth.

By Senator Bradley:

Q. Those are not books; books he has asked about

By Mr. Goff:

Q. How many books altogether? A. Well, I had all the books from the inception of the organization.

Q. I mean in regard to the time that covers the period of 10 years; you must have had more minute-books than one?

A. Two; we were at the third, but I had not started in it yet.

Q. The third book was a blank-book? A. Yes, sir; the book that was taken was almost full, but a couple of leaves.

Q. So you had two minutes at that time? A. Yes, sir.

Q. And a rough minute-book? A. Yes, sir.

Q. And then some loose memorandum papers, and so forth? A. Yes, sir.

Q. Where were they, in your house at that time? A. In a roll-top desk.

Q. Locked? A. Locked.

Q. Now, what night after that Sunday night was the meeting held at 8 Union square? A. Held in the evening of the following Tuesday, I believe.

Q. Now, when you left your house after Mr. Tekulsky had seen you on Sunday night, and told you to be careful of the books, had you seen him or did you hear from him from that time till the time you met at the association meeting on Tuesday? A. No, sir; but he said I should have brought the minute-book down with me, for the purpose of having it gone over.

Q. Was it Mr. Tekulsky that made an arrangement with you to meet with the older and wiser heads, as you have been kind enough to call them, of the organization, and go over the minute-books? A. That was the intention on that occasion.

Q. For this Tuesday's meetings? A. After the meeting adjourned.

Q. Can you tell the committee who were the wise heads to be called in to examine the books; the names of the gentlemen that were suggested? A. Mr. B. F. Keans.

Q. He was the former president? A. Yes, sir; and Mr. Daniel Holland, and others; a few others; I don't know who they were.

Q. And Tekulsky? A. Of course, Mr. Tekulsky.

Q. Can you think of any others? A. Well, he may have, perhaps, had more; there were others around at the time.

Q. After you received Mr. Tekulsky's warning on Sunday night, did you look at the books that night to see that they were all right? A. I believe I took them upstairs with me.

Q. I understood they were upstairs? A. I believe that night I took them upstairs.

Q. So they were not in your place? A. Yes, sir; in a roll-top desk.

Q. And you took them up there for safety? A. That one book.

Q. Which book? A. The minute-book, proper.

Q. Was that the minute-book, then, you used? A. It was used then, almost filled up; it was filled up.

Q. So you left the old minute-book and the rough minute-book below stairs? A. Yes, sir; the old minute-book is here.

Q. Might I ask, Mr. Keilty, why it was that you selected out the minute-book, then, that was in existence, to be more careful of than of the other books, after Mr. Tekulsky gave you warning? A. Well, it had transcribed upon its pages the meetings perhaps for five years, and very few, if any, of the delegates remembered, perhaps, what was in the minute-book.

Q. Well, from that time until Tuesday evening had you any communication with any of the officers or members of the association with regard to the books? A. Not that I know of.

Q. Was this a regular meeting? A. A regular meeting; yes, sir.

Q. Now, after Tuesday, you left your house and took the books with you? A. I took the rough minute-book.

Q. And some paper for the purpose of transcribing the actions of that day, and you left the regular minute-book behind? A. That was always left at my house; it was left there underneath a towel on the bureau.

Q. When you got to the meeting, how did it come to pass that this minute-book was called for at that meeting, since you had not been in the habit of having it at any meeting? A. I had always been in the habit of taking it to the meeting, and I left it home that day.

Q. What was the necessity of procuring it? A. Well, I can't tell you that.

Q. Was it the result of Mr. Tekulsky's warning? A. The chances are that it was, and I believed it was.

Q. When you got to the meeting, what question was raised that required the presence of this minute-book, at the meeting? A. There was no questions; I think it was prior to our going into the business of the day, when it was suggested that I should have brought the book along.

Q. Who suggested that? A. Well, I believe both Mr. Tekulsky and Mr. Holland.

Q. But you had frequently attended meetings before without this minute-book with you? A. I do not remember a meeting I hadn't it there, with the exception of that meeting.

Q. Was there any comment made by any of the gentlemen with regard to the wisdom of your keeping it safe at home? A. There was not, on that day, Mr. Goff.

Q. You say Mr. Tekulsky raised the question about it not being there? A. At the following meeting.

Q. Well, when the suggestion was made to you that you should have brought the book from home with you, you then wrote this note? A. Yes, sir.

Q. And you gave it to Mr. Holland? A. Yes, sir.

Q. And you never saw the book after that? A. Never saw the book from that to this.

Q. During the meeting, was there an inquiry for the book; an inquiry for the return of the messenger, or anything? A. I heard that the book had been outside, but I did not care to see it.

Q. Who told you that the book was outside? A. Mr. Doland.

Q. Well, of course, the book was in your care, or in your charge, and you had the right to have it in your charge? A. Well, I felt a little snubbed at this manner of getting it away without my knowing anything about it.

Q. That is, the manner of getting it from your house? A. Taking it from my possession.

Q. Now, was it during the meeting that your attention was distracted when the rough minute-book was taken off your desk; that meeting? A. That same meeting; yes, sir.

Q. Now, I think it is fair that this committee should ask you who it was that distracted your attention, or what it was that distracted your attention? A. Well, in fact, I can't say, Mr. Goff; the last man that I saw there when I turned my back around was Alderman Rinn.

By Senator Bradley:

Q. Is he an alderman now? A. Yes, sir.

By Mr. Goff:

Q. He was standing by you? A. Standing at my desk and he made some remark about what minute-book was this, and the next thing I looked for the book and it was gone, but I do not know he knew anything about where it went or not.

Q. No; I am merely asking you about the fact of its disappearance, as far as you can give it; when did you first learn that the book that you had sent for to your home was missing? A. When did I first learn it?

Q. Yes? A. Some member of the organization must have it.

Q. Did you hear anything, Mr. Keilty, about these books having been returned? A. No, sir; I never did.

Q. Did you hear anything about the book that you sent for to your home having been brought in to No. 1 Union square, the northeast corner? A. No, sir; but I heard it was brought into 8 Union square on that same evening; that was previous to the adjournment of the meeting.

Q. After that? A. No, sir; never heard, or I did not want to hear after that.

Q. You know that saloon on the northeast corner, which used to be called the Opera? A. Yes, sir.

Q. Did you ever hear that the books had been carted in here? A. Never.

Q. And that they had been taken over there? A. No, sir.

Q. And burned there? A. No, sir.

By Chairman Lexow:

Q. Why did you say you did not want to hear what became of the books? A. I was a little annoyed at the manner in which the books were taken from me.

Q. That was the only reason? A. And another reason when they were gone, I was not responsible for their keeping.

Q. You were relieved of the custody of the books? A. Yes, sir.

By Mr. Goff:

Q. The next meeting of the association, when was that held? A. I believe we held a special meeting about the middle of that month.

Q. What was that special meeting called for? A. For the purpose of finishing up the business that had not been attended to at the previous meeting.

Q. Unfinished business? A. Yes, sir.

Q. What was the nature of that business? A. General business of the organization.

Q. But you generally finished up your business at each meeting, did you not? A. Sometimes; but we have got so many orators in our organization, and it takes them so long to get through, that they have to vacate the hall before the business is finished.

Q. You haven't got the five-minute rule then? A. It is now obsolete, but they made it a motion and passed it some years

ago that no delegate should occupy the floor more than five minutes.

Q. But it is now obsolete? A. Yes, sir; now.

Q. At the special meeting, was the matter of these books brought up? A. Yes, sir; I believe so.

Q. Were you present there? A. Yes, sir.

Q. In what form was it brought up, the question? A. Mr. Tekulsky brought it up; he deprecated the fact that the books were missing, and he also had a motion made on that day that no member of the organization would say anything about it, until the following meeting, when an investigation would be had to find out where they were, or something to that effect.

Q. Was there ever an investigation held? A. Not that I heard of.

By Chairman Lexow:

Q. Did Mr. Holland speak about or say he had received an order for the books? A. Well, I don't know exactly what he did say.

By Mr. Goff:

Q. You explained your part to them, did you not? A. Most assuredly, everything that pertained to my part.

By Chairman Lexow:

Q. Did Mr. Holland claim that this order had been stolen from him? A. No, sir.

Q. Did he say to whom he gave the order? A. I don't believe he did, but I think I know who did give the order.

By Mr. Goff:

Q. Who got the order? A. Mr. Doland.

Q. Will you give us Mr. Doland's address?

By Chairman Lexow:

Q. That is the same one that was near you when your book disappeared? A. No, sir; that was Alderman Rinn then.

By Mr. Goff:

Q. Will you give us Mr. Doland's address, please? A. Forty-ninth street and Ninth avenue, the southwest corner; he keeps a place there, D. J. Doland.

By Chairman Lexow:

Q. What was his office; did he occupy any position in the organization? A. He was secretary of the ball committee.

Q. Any other address besides the Forty-ninth street address? A. He keeps a place up on Amsterdam avenue, but I have forgotten that address.

Q. Well, we will find it; was there any committee appointed for the investigation as to how the books disappeared? A. No, sir; I do not believe there was.

By Senator Bradley:

Q. There could not be without your knowing it, as secretary? A. I don't believe there was, but there was business that I didn't know of.

Q. About this particular thing, you would be apt to know? A. No, sir; I don't think so.

By Chairman Lexow:

Q. Wasn't Mr. Doland in the room when that occurred as to the disappearance of these books? A. I believe he was.

Q. Did he say anything? A. I don't think he did.

By Mr. Goff:

Q. At a special meeting held after the meeting of the 10th of April, did you make a record of all that took place? A. Yes, sir.

Q. And have you got the book containing that record? A. I will just look and see if I have; yes; here it is (handing book to counsel).

Q. April 17th? A. Yes, sir.

Q. Is that the proceedings? A. Yes; the minutes rewritten.

Mr. Goff.—We offer this in evidence, but I will not read them. I want the committee to control them.

By Senator Bradley:

Q. You say they were rewritten in, would that be the third time? A. I took a rough minute of the proceedings calling for the resolutions, and wrote them in, as I thought properly, afterward.

Q. Is this a rewritten reversion of what you wrote? A. Yes, sir.

Q. And this would be the third copy? A. No, sir.

Q. I ask you if you took the first minutes in pencil? A. Yes, sir.

Q. Is this a copy of that? A. Yes, sir.

Q. I thought you said rewritten? A. Yes, sir; it is rewritten.

By Chairman Lexow:

Q. It is substantially the same thing, only a little different? A. Yes, sir.

Chairman Lexow.—That will be marked Exhibit 2. (Marked Exhibit 2, June 28, 1894.)

By Mr. Goff:

Q. Might I ask why it was that you did not transcribe the minutes that are in Exhibit 2, into the book? A. The reason is that I wanted to commence the new book—I had a beautiful new book made to order by Styles & Cash; I wanted to commence from the beginning of the year; there was a portion of the minutes that I had not got, and that were gone; that is the reason they were not transcribed in the regular minute-book.

Q. They went with the book? A. Yes, sir.

Q. Now, will you produce all the books that you have in your possession, if you please? A. Yes, sir; here are the minutes of the meetings; the regular meeting, and this is what I called a rough sketch of the minutes, written in pencil; this is the original copy.

By Senator Bradley:

Q. What meeting is that? A. It is the meeting of June 12th; these are rather roughly written, Mr. Goff.

Q. I understand that; now, let me have the books that you have, please? A. This is the book from the inception of the organization (handing book to counsel).

By Chairman Lexow:

Q. What, minute-book? A. Yes, sir; from the inception of the organization.

By Senator Saxton:

Q. Down to the time of the one that was stolen? A. Yes, sir.

Mr. Goff.—This is a book of minutes from the inception of the organization? I ask to have that marked in evidence.

Q. Down to what date is that? A. It is on there.

Mr. Goff.—The first minute here is January 29, 1884.

Senator Cantor.—Where does it end, the last item?

Mr. Goff.—September 18, 1888, is the last meeting.

Chairman Lexow.—That will be marked Exhibit 3.

(Paper marked Exhibit 3, of this date.)

Chairman Lexow.—We will mark that minute-book for identification; I don't want to take that in the testimony.

Mr. Goff.—I consider that suggestion better, and will have them marked for identification.

(Book referred to marked for identification.)

By Mr. Goff:

Q. Your next book, Mr. Keilty? A. This is a rough minute-book; the chances are that you won't be able to make anything out of it; that was an old rough minute-book.

Mr. Goff.—We will mark this for identification.

(Book referred to marked Exhibit 4, for identification.)

Q. These are all the books you have? A. I believe so, here

Q. There are other books? A. There is a roll-book of delegates.

Q. That I want; does that contain the names of the officers of the various local districts? A. It contains the names of delegates to the central association, and one of the delegates is the president of the local organization, by virtue of his office.

Q. Have you any roll that will show the names of the officers, the president, treasurer and so forth, of each local association?

A. No, sir; not a compiled list, but I have this written, or rather I was notified to give the names of the secretaries for the purpose of placing in a new—or rather a revision of our constitution and by-laws, and I have there compiled it, and I could give them to you.

Q. Will you be good enough to let me have the roll containing the names of the delegates of your association? A. Yes, sir.

Q. And I would feel obliged if you get the roll of the secretaries? A. I did intend to bring it down here, and when I got into the park I remembered I forgot it.

Q. For the present I do not wish to ask any more questions; one moment, will you please give me the address of J. W. Mur-

ray, the second vice-president? A. It is on Grand street; I forget it; I will send it down.

Daniel Holland, recalled, testified as follows:

Direct examination by Mr. Goff:

Q. Do you remember receiving this paper (Exhibit 1 of this date shown to witness) from Mr. Keilty? A. I remember the occurrence quite well.

Q. You remember receiving that paper? A. I am not positive as to whether I received it directly or not.

Q. Mr. Keilty swears or has sworn that he delivered it to you? A. If he says so, I presume it is true.

Q. Do you remember what you did with that paper? A. If it was handed to me I handed it to somebody standing alongside of me, for the purpose of sending for that book, but that is all I can remember at the present time.

Q. Is that your writing on the back? A. No, sir.

Q. Do you know whose handwriting it is? A. I think it is Mr. Keilty's.

Q. No; he says it is not; did you write that address? A. No, sir.

Q. You knew, Mr. Holland, at the time this order was given to you that there was some trouble in the association about the secretary not having brought down that book? A. Several members—three or four of the members—spoke to me about his not having that book, and in the hurry of business, which we had a great deal of that day, I asked them what they wanted to do, and I understood them to say they wanted to refer to some minutes in that book; there was some question raised; that is my recollection of it now; some question raised concerning the action that had been taken upon a certain matter, and the secretary did not have a minute in that.

Q. Will you swear you do not know now into whose hands you gave that order? A. I am not positive.

Q. Did you ever inquire about the book? A. Yes, sir.

Q. What inquiry did you make? A. I inquired of Mr. Doland and Mr. Rinn and Mr. Tekulsky and got no information whatever.

Q. Why did you inquire of Mr. Doland? A. Because he was standing around at the time, and I was told that it was he who gave that order to the telegraph messenger boy.

Q. What did he say about that? A. He told me he didn't know anything about it.

By Senator Saxton:

Q. You didn't give the order to the messenger boy? A. No, sir.

By Chairman Lexow:

Q. Was this particular man specially interested in these minutes? A. That I can not say.

Q. Was anything in these minutes that would have affected him? A. I presume not.

Q. Nothing? A. Unless it was on some question in dispute; I hadn't the slightest knowledge of anything in connection with the books; I don't know why they disappeared, and I don't know that there was anything in the books that any rational man would be afraid of, or that would affect us.

Q. They were being discussed at the time; a great deal of talk about the books? A. I don't know; there might possibly have; I presume the question was raised by the members themselves.

Q. You heard the testimony of the gentlemen on the stand that the matter was discussed, and that you decided upon conferring with other members of the association with reference to these books, at this April meeting? A. I had no conversation, three or four members came to me, and asked me if this book could not be produced, and I said I supposed so, by the secretary giving an order for it, and that is the order, as I recollect it now, as handed in by Mr. Goff.

Q. No; but previous to that time, was there not an understanding among you, including Mr. Tekulsky, yourself and some others, who were considered leaders of your organization, that you should meet together for the purpose of conferring with reference to these particular books? A. No, sir; never had any such understanding.

Q. Mr. Keilty swears that was the understanding? A. Probably he said that was his recollection; I had no such understanding.

Q. He said Mr. Tekulsky and he, together, had agreed in a conversation with you and the others that a meeting should be held with reference to the contents of these books? A. I never had any understanding in reference to these books.

Q. Have not the contents of these books, or had not the contents of these books been made a subject of conversation between you and Mr. Tekulsky? A. At that time?

Q. Yes. A. I had not seen Mr. Tekulsky.

By Mr. Goff:

Q. With special reference to the testimony that Mr. Tekulsky had given on the stand only a few days before? A. I don't recollect having seen Mr. Tekulsky from the time he was on the stand until the day of this meeting, with the exception of the night of our ball, and we had no conversation that night.

By Chairman Lexow:

Q. Why was it that you sought or wished to have these books produced on this occasion? A. On the application of these members.

Q. Was it not with reference to this very matter, as to the testimony as given on the stand by Mr. Tekulsky; that there would be a difference in the testimony and in the minutes in that book? A. No, sir; I don't think so.

Mr. Goff.—I have no further questions to ask Mr. Holland. We will examine all the gentlemen at a later date on the merits. I am trying simply to locate these books now.

Chairman Lexow.—You better hurry it up, or it will be pretty hard to locate them.

Henry Keilty, recalled, testified as follows:

Direct examination by Mr. Goff:

Q. Were there any other meetings of this so-called executive committee, or any other body of which you were a member, of the Central Liquor Dealers' Association, that there were minutes kept? A. You have got them there.

Q. They are all here in these books? A. All here; you will find there that the minutes on my motion was placed in the minutes of the meeting.

Q. Were there ever any transactions had by your central body, or by the so-called executive committee, or, say, special committee, at which it was agreed that there should be no record made of the transactions? A. Never to my knowledge.

Q. Were you ever instructed or requested or were you, or was

there ever an agreement or understanding that any body of officials or members of the Central Liquor Dealers' Association, that no minutes should be kept of certain proceedings or resolutions? A. I believe there were little instances sometimes when a motion was made and seconded, the party who spoke for and against my motion, I took the substance in my own peculiar way of what they stated, and what reasons they gave for objecting or for being in its favor, and placed it on the minutes. There has been several delegates who objected, or rather sometimes denied what I had in the minutes were true, and there was sometime objections made by some of the members of the organization and a vote or a motion had that the objections be expunged from the previous meeting.

Q. I did not have reference to that, Mr. Keilty; what I have reference to is in a meeting of the committee; a committee meeting, a general meeting or special meeting, but any meeting where it was agreed and understood that no minute of the proceeding should be made or minute of the report should be made at that special meeting, have there not been such meetings? A. None that I know of.

Q. Within the period of six years? A. I believe not.

Q. Well, before six years? A. Well, we kept the minutes of the executive committee meetings previous to that by themselves.

Q. I will state to you one or two instances, were there any cases in which members, deputed to do certain work, or committees deputed to do certain work, such, for instance, as touching legislative action, or police actions; weren't the reports of these committees or proceedings of these committees agreed upon that they should not be recorded? A. Not in the sense that you speak, Mr. Goff; I generally took down as much as I could, of everything that was stated, except cases of that kind where somebody would object, and say this is not to go in the minutes, and I did not take any notice of it.

Q. That is just what I mean; weren't there cases where certain members of the organization reported as having done certain things; expended certain moneys, for instance, and it was agreed upon at that time, that that should not go down in the minutes? A. I believe it was not about expending moneys.

Q. Can you swear now, Mr. Keilty, that there was never a case since you have been secretary of that organization, that at the meeting, either by the central body or the executive body, or which a report was made of certain expenses of money, and at

the same time, it was agreed upon that no minute or no record should be made of that fact?

By Chairman Lexow:

Q. You understand, witness, don't you, that it is not the object of this committee to prosecute you or your association? A. I thoroughly understand it.

Q. That we simply want to prevent any other organization or political body from being blackmailed? A. Yes, sir.

By Mr. Goff:

Q. And further, I may supplement the chairman's statement, that this committee is not for the purpose of forming legislation changing excise matters at all, for harassing or annoying the liquor dealers? A. I understand that; I have read the duties of the committee, Mr. Goff.

Q. You understand its principal duty is to try to find out where the system of blackmail or oppression exists, to break it up? A. Yes, sir; I understand it.

By Chairman Lexow:

Q. And we ought to have the support of all good citizens in trying to do it; they should help us do so? A. I understand it; yes, sir.

William F. J. Prelle, being called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. How long have you been treasurer of the Central Liquor Dealers' Association? A. Five years.

Q. Who was treasurer before you? A. Fred J. Bolte.

Mr. Goff.—Is Mr. Bolte in court?

Q. Did Mr. Bolte hand over to you any books or account? A. No; not books, but the balance in the hands of the treasurer.

Q. Have you kept a book account? A. Yes, sir.

Q. For many years? A. Bank account; yes, sir; I have not got it with me here; for about two years; ever since January, 1892.

Q. Where is the check-book? A. I haven't got the check-book; it is in possession of our financial secretary.

Q. Mr. McLaughlin? A. Yes, sir.

Q. What became of the vouchers? A. I think I have a few vouchers here that have been issued.

Q. What did you do with the vouchers? A. They are there.

Q. What date did you take office? A. I think it was in 1889, January; I am not quite sure; I will get the check-book.

Q. Can anyone draw vouchers? A. No, sir; it takes four signatures.

Q. And you? A. Three besides myself.

Q. Here are checks, Nos. 137 to 169, inclusive? A. There are more than that there; I had them balances twice; it runs up to 201.

Mr. Goff.—Yes; 137 to 201.

Q. Up to what period of time do these vouchers reach? A. I will tell you exactly by the book; they reach up to March 12th.

Q. This year? A. Yes, sir; 1894.

Q. Is this your treasurer's book, your own book, Mr. Prella? A. Yes, sir.

Mr. Goff.—I wish to have this book marked for identification, and the vouchers.

(Treasurer's book marked Exhibit 5, June 28th, 1894, and package of vouchers marked Exhibit No. 6, June 28th, 1894, both for identification.)

Q. Have you any other books? A. No, sir; I have none.

Q. How about the chairman of the finance committee; does he not keep books? A. He called the meeting together at least once a year for the purpose of examining the treasurer and the financial secretary's books; he don't keep any books.

Q. What is Mr. McLaughlin's name? A. Daniel.

Q. What is his address? A. Corner of West Eleventh and Hudson streets.

(No cross-examination.)

Paul Peter Drothleff, called as a witness on behalf of the State, duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. You came from the Tombs? A. Yes, sir.

Q. And are here in custody of an officer? A. Yes, sir.

Q. How long have you been in the Tombs? A. It will be six months now.

Q. Without trial? A. Without any trial.

Q. You have been representing a Kentucky distillery at some time? A. Yes, sir.

Q. And some time prior to last January, did you buy a cafe in Chrystie street? A. Yes, sir; near Houston.

Q. Whom did you buy that cafe from? A. It is a lady, I don't know her name.

Q. Can't tell her name? A. No, sir.

Q. When you had that cafe in your possession, were you called upon by any policeman? A. Yes, sir.

Q. Do you know who he was? A. I know who he was, but I don't know his name.

Q. What did the officer say to you? A. He wanted some protection.

Q. How much? A. He asked me first for a few dollars, and I asked him how much, and he said, "You might go around and inquire how much the other people are paying; and I said I don't know who the other people are; I never had a cafe before;" I said, "Tell me how much;" and he said, "About \$25."

Q. You were not familiar with the business of cafe-keeping? A. No, sir; never had one.

Q. Did you pay the officer the money? A. No, sir; I wouldn't pay him.

Q. How long did you have the place before you saw any more policemen; how soon after did you see a policeman again?

A. I seen three of them in a week.

Q. What did they talk about? A. Only about protection.

Q. Did you pay them any money at all? A. I wouldn't pay them; I told the policeman I had better give up my business, for I had to pay \$35 for my rent, and \$25 for my other expenses, and if I had to pay that I couldn't make my expenses out of it, so I had better give it up.

By Senator Saxton:

Q. Did he tell you how often he wanted you to pay him the \$25? A. Yes, sir; that is, if I wanted to have gambling; I said I didn't know anything about gambling, as I wasn't a gambler myself.

Q. You say he said if you wanted to have gambling? A. Yes, sir.

Q. Did you ask him how much without gambling? A. I didn't ask him.

By Chairman Lexow:

Q. Did he claim you had gambling there? A. No, sir; I never had gambling there.

By Mr. Moss:

Q. Did you open that cafe for business? A. It was open; I bought it for to have something to do.

Q. Were you raided; were you arrested? A. What?

Q. Did the police come in your place? A. Yes, sir; not myself; the police called me outside one day, and sent me to the Eldridge Street station; he told me the captain wanted to see me, and I went down for the captain, and he was not there, and then a wardman came, and he asked me to come in the Stanton Street house with him.

By Chairman Lexow:

Q. You were arrested yourself? A. Not myself.

Q. It was your servant? A. Yes, sir; woman maid.

By Mr. Moss:

Q. Was that servant or barmaid convicted? A. Yes, sir; of course she was.

Q. Fined? A. She was sent over to the island for 50 days; \$50 or 50 days.

Q. Sent to the island because she did not pay it? A. Yes, sir.

Q. How long did she stay there? A. About 15 days there.

Q. What was the charge against her? A. About excise.

Q. Violation of the excise laws? A. Yes, sir.

By Chairman Lexow:

Q. In selling liquor without a license? A. Yes, sir; but I didn't have any liquors; my landlord can prove it; I never kept any liquors in my place, so he took the opportunity, as he called me down to the station, and sent me in Stanton street, and in the meantime he came out, this detective, and went in my place, and saw the servant, and said he was sick, and he came in there with another policeman, this policeman, and he said to the servant, he ain't very well, and wanted her to give him something; he said, "Don't you have any liquors; I am sick; let me know if there is any;" he kept saying he was

sick himself, and she said I didn't keep any, and she said, if he was sick she could get him some; after, he asked her if she couldn't get some somewhere, and she sent around on the other corner for some; she said, "If you are sick, I will send for you;" he complained of being sick; they were laying on a chair, and she sent the man around there to the front door and bought the whisky and put it on the table, and he wanted to pay her, and put 10 cents on the table, and she wouldn't take the 10 cents, and she said, "If you are sick, I will treat you with it," and he put a quarter down, and she wouldn't take any money from him.

By Mr. Moss:

Q. You were not present at that time, so we don't care for that? A. No, sir.

Q. After your barmaid was arrested and convicted, did the police employ you to get evidence against some cafes and disorderly houses? A. Yes, sir.

Q. Who employed you? A. The first time I had to do with it was with Mr. Hahn.

Q. Who is he? A. He was the wardman or the second wardman, I don't know, in the Church or Liberty Street station.

Q. He employed you to get evidence against disorderly houses? A. Yes, sir.

Q. What houses, particularly, did he ask you to get evidence against? A. Disorderly houses and gambling-houses, and so forth.

Q. Did he mention any places? A. Yes, sir.

Q. What number did he give you? A. Eighteen Greenwich street.

Q. Who kept that place in Greenwich street? A. Mr. Geiger.

Q. How do you spell it — G-e-i-g-e-r? A. Yes, sir.

Q. Did you get evidence against the place? A. Yes, sir.

Q. Was there a complaint made? A. Yes, sir.

Q. After the complaint was made, were you present at a meeting between Mr. Geiger and Officer Hahn and some people in the saloon? A. Yes, sir.

Q. Where was that saloon? A. On Center street, near the Tombs.

Q. Tell us exactly who was present at that meeting? A. There was Mr. Geiger, Mrs. Geiger, and Mrs. Stolling, and then there

was Detective Hahn and a lawyer, and another detective; I don't know his name.

Q. You were all present? A. Yes, sir.

Q. Were you in the same room with these parties, or outside?
A. I was in the same room first, but afterward I had to go out; they sent me out.

Q. Was the door open? A. Yes, sir; it was open about that much (indicating).

Q. Did you see any money? A. Yes, sir; money was placed on the table.

Q. How much money? A. I can not say that, how much money it was, but as this lady came she told me she gave them money when she came out; she said she got \$300; she gives it to them.

Q. Did you see a pile of money? A. Yes, sir.

Q. Did you see it change hands? A. Yes, sir.

Q. Who took the money? A. The lawyer took the money.

Q. Were the two detectives present? A. Yes, sir.

Mr. Goff.—Any lawyer who could take away money when there are two detectives around, I would like to see him, or make his acquaintance.

Q. After the passage of that money, did the case come up for trial in court? A. Yes, sir.

Q. That is the case against Geiger? A. Yes, sir.

Q. You don't know the court in which the case was tried in?
A. Yes, sir; Sessions.

Q. What court? A. Police Court; Special Sessions.

Q. Did you ever dispute with Detective Hahn about something in connection with that matter? A. Yes, sir.

Q. What was that dispute? A. Before I went into this place where I told Mr. Hahn I didn't know what I go for, so he said, "You only do me the favor now, and if you got the change, lay it out yourself, and I will return it to you," so I did; I laid out \$11, but I couldn't get it back any more, so I parted, and I told him I would have nothing more to do with it.

Q. And you ended your detective work for the police? A. Yes, sir; that ended it.

Q. When they would not pay your expenses? A. Yes, sir.

Q. Shortly after that, did you call upon Dr. Parkhurst? A. Yes, sir; I did.

Q. And gave him various information concerning the Eleventh precinct, and what the police were doing? A. Yes, sir.

Q. Do you remember a particular day when you went to Dr. Parkhurst's house and from that place to the office of the Society for the Prevention of Crime? A. Yes, sir; but I can't say the date.

Q. You don't know the date? A. No, sir.

Q. As you came out of Dr. Parkhurst's house, did you observe any policemen watching the house? A. Yes, sir.

Q. Who was there? A. A detective from the Eldridge street station-house, and one from the Fifty-fifth street station-house.

Q. What was their names? A. I do not know.

Q. Didn't you know the detective from the Fifth street station-house? A. I know one of them, but I didn't know him.

Q. Didn't you recognize them as detectives of this station? A. Yes, sir; him; I seen him lots of times in the station-house, but I didn't know his name.

Q. Did you have a conversation with these detectives? A. Yes, sir; he spoke with me; he asked me what I am going to do now, that I will be sorry for it; he says I will be sorry for it, because I have seen Dr. Parkhurst; I guess, "You are turned over, and gone against the police."

Q. He said he felt sorry because you had seen Dr. Parkhurst? A. No, sir; he said I would feel sorry.

Q. What was it he said? A. He said I will feel sorry for it if I turned over, and go against the police.

Q. Do you mean to say he construed your visit to Dr. Parkhurst's house as going against the police? A. Yes, sir; he thought I had told something.

Q. Can you get nearer that date; what month was it? A. That I went to Dr. Parkhurst's house?

Q. Yes? A. It was in December first, and January once.

Q. Did you go down to your business then? A. Yes, sir.

Q. And going down to your district, who did you meet next to speak to after visiting Dr. Parkhurst? A. I met two other fellows that worked for the Fifth street station-house and the Eldridge street station-house.

Q. Two men that worked for the station-house? A. Yes; they asked me if I was going to work for Dr. Parkhurst, and I said I didn't know about it, that I had no idea.

Q. They asked you if you were? A. Yes, sir.

Q. How did they know you were there? A. They followed me with the detectives up.

Q. They asked you if you were working for Dr. Parkhurst?
A. Yes, sir.

Q. What else did they say? A. They didn't say anything at all any more, because I wouldn't answer them.

Q. Did you know a man by the name of Franko? A. Yes, sir.

Q. Who is Franko? A. He keeps a coffee-house in Eleventh street, between Third and Fourth avenue.

Q. Did you have a communication from him at one time? A. About that time I seen him; he sent his man to see me.

Q. How did he come to see you? A. He sent his liquor agent to see me, and told his liquor agent he would like to give up his coffee-house.

Mr. Ransom.—I don't think we ought to take this.

Chairman Lexow.—Leave out the conversation and state what occurred.

Q. What was the nature of the transaction that the liquor agent came to you about? A. He wanted me to go up and see this man Franko.

Q. Did you see him? A. I wouldn't go up; he is in my ward, and I met him on First street and Third avenue.

Q. What did you say to Franko? A. I saw him there.

Q. What was the talk about? A. That I should sell whisky by the barrel.

Mr. Ransom.—It seems to me that this is not within the limits, and that such evidence should not be given.

Mr. Moss.—I shall connect it.

Chairman Lexow.—Do you think you can prove conspiracy?

Mr. Moss.—Yes, sir.

Mr. Ransom.—I would like to know what he is going to prove?

Mr. Moss.—I don't think I ought to reveal what I am about to prove.

Mr. Ransom.—It seems to me if conspiracy is about to be proved, we ought to know it. That don't connect Franko.

Chairman Lexow.—Unless you intend to connect it, it shouldn't go in.

Mr. Ransom.—I will agree that if Mr. Moss states he intends to introduce evidence to that effect, that it will be withdrawn.

Mr. Moss.—In my judgment, I will.

Q. What offers did he make to you on condition of your selling whisky? A. He asked me if I would sell whisky, and I told him yes.

Q. Then what did you say? A. He said you were pulled, were you not, and I said yes, and he said I was pulled too.

Q. He said you were pulled? A. Yes, sir.

Q. And you said yes? A. Yes, sir.

Q. He said he was pulled too? A. Yes, sir.

Q. Did he keep a coffee saloon? A. Yes, sir.

Q. Was there a case pending against him then? A. Yes, sir.

Q. That case? A. Yes, sir.

Q. Against Franko? A. Yes, sir.

Q. Go on with the conversation? A. So he asked me if I could give him an idea how he could get through.

Q. How he could fix it? A. Yes, so I told him it was the best way he could do to engage a lawyer, and he said "What lawyer would you have," and I said, "to get any good lawyer; to go see any lawyer who would take his case; so, he said, "You might know of a lawyer yourself; so you can say if he is all right," so I gave him a card from a lawyer, so he said, would I go down with him, and I said, "I don't know as I got time;" I said, "To-morrow morning, if I get down, I will go with you," so, the next morning, as I came down to my business, I went into Mr. Franko's, and he was not in, and I saw his brother, and he said he was going to Philadelphia to see about money.

Q. No; didn't Franko come to your house? A. I was in to see his brother, or to see him, and his brother said he was up there the same night, between 7 and 8 o'clock, and 8 and 9 o'clock, so I said, "I will try and see if I can see him;" so, I had my samples over there, about 8 o'clock, or a few minutes after or before 8 that I went in.

Q. Did you take your samples with you? A. Yes, sir; so, I asked for a soda, and I got a soda, and Mr. Franko came out and invited me into the back room; he said, "Will you please step into the back room;" and I said, "I will do so;" and I went into the back where he told me I can go down to my business now from there; I have to go over to Philadelphia to start a saloon; that was doing business; when I went in he asked me if I could fix it; and I said, "No, sir; I want to have nothing to do;" I said, "You have to look for somebody else;" he wanted me to take some money for it.

Q. He took out money and tried to give it to you? A. Yes, sir; he said, "You told me the lawyer wanted \$30," and I said, "Did he say that would settle it;" he said, that would settle it for me, and he tried to give me some money, and I wouldn't

take it; I wouldn't have anything to do with it; so, I turned to go, and got my hat and when out of the door; and he said, "Where are you going; what is your hurry;" and I said, "I have got to go over to Third avenue, Mr. Franko, for a few minutes;" and he said, "Wait a moment, and I will go along, and we'll have a drink together;" and I said, "No; I am in a hurry;" but he followed me out with the money in his hand, and as we came outside, he reached me outside of the door, and Detective Taylor was standing over there, and as we came along on Fourth avenue, I saw Mr. Lang.

Q. You knew them both well? A. Yes; I knew them; I never knew them well; no better than anybody else; and as I came out this man followed me; he came to me, and I was about going in Blank's; I said, "I have no time; I know what you are up to;" and he said, "Don't bother me;" and as we came down Eleventh or Twelfth street, he tried to put the money in my pocket, and I gave him a shove, and he fell down, and the money fell on the ground, and there was a woman standing there, and she said, "Mister, you lost some —" and Lang came up, and he grabbed me, and he says, "Hold on, Parkhurst, we have got you now; where did you get that money; where have you got that money?"

Q. He said, "Hold on, Parkhurst, where have you got the money?"

Mr. Goff.—Another Gardner case.

The Witness.—I told him I thought he was crazy, and he said, "You are arrested;" and I said, "All right;" so, he arrested me, and the charge was made against me, and Franko made the charge that I came in and reported myself as a private detective and a Parkhurst agent; now, I never done anything of this kind — never in my life; I never done so in my life.

Q. Now, prior to this time you had been connected in business to a large extent? A. Yes, sir.

Q. And had had some considerable means? A. Yes, sir.

Q. Means which you have lost through no fault of your own? A. Yes, sir; I had a partner who lost me \$6,000.

Q. Did you have a conversation with Captain Cross in the station-house? A. Yes, sir.

Q. Tell us about that? A. He called me about 11 or 12 o'clock the next day, when Franko made the charge that I had received this money, and I said, "Captain —" he said to me, "Why don't you confess it;" and I said, "Captain, I have

nothing to confess;" you must excuse me, but I can't talk the American language very plain.

Q. That's all right; go on? A. So he said to me, "It is better for you to tell the truth; you can get easier through it," and I said, "Captain Cross, I know what you are after; I know what I am doing; I never received a cent, and I never wanted to, but I know who receives money;" so he got mad and wanted to punch me.

Q. Did he present his fist to you? A. Yes, sir; and I said, "I am not afraid of that, Captain Cross," and he said to me, "Go down," and he sent me down again; so the detective took me down again, and a policeman; about 1 o'clock they brought me up again, and there was Policeman Lang and Taylor and the captain, and he said, "Ain't you going to confess?" and I just told him the same thing I told him the first time so he told him again to take me down; he said, "Take him down stairs again; he is excited again;" and they took me down stairs, and at about 2 o'clock they brought me up again.

Q. That is the third time? A. Yes, sir; so he told me he would take me over to headquarters, and I said, "You can take me to headquarters, or any other place; I am not afraid to face anybody;" so he sent me downstairs again.

Q. What time was this? A. About half-post 2 or 3 o'clock in the night time; so in the morning a detective came and put the bracelets on me, and took me over to headquarters.

Mr. Ransom.—Wait a moment. I don't think the witness ought to be interfered with in his answer. I want this witness to complete his answer, Mr. Chairman.

Q. Go on? A. I went down to headquarters —

Mr. Moss.—I want to get something before we get to headquarters. I want to ask you a question, and I insist upon it.

Q. While Captain Cross was asking you these questions at the station-house, had you any lawyer present? A. No, sir.

Q. You were in the station-house in the dead of night and Captain Cross trying to extract a confession from you? A. Yes, sir.

Q. Did you want to send for anybody? A. Yes, sir; I wanted to send a message and they wouldn't let me.

Q. Did you ask permission to send a message? A. Yes, sir.

Q. Now, tell us what happened at headquarters? A. They took me down to headquarters and kept me outside of the door, and then the captain went inside, and I see him only that he

was inside about five minutes, and as he came out, Superintendent Byrnes came in the door, and he took a look at me, and he said, "I would not have anything to do with that case; take him down to the court;" I would not lie; that's what he meant, and so the detective and Captain Cross brought me back, and Captain Cross said, "He has more luck than brains;" he meant me.

By Chairman Lexow:

Q. Referring to you? A. Yes, sir.

By Mr. Goff:

Q. That is, that you escaped to the third degree? A. Yes, sir.

By Mr. Ransom:

Q. Did Captain Cross say that you had escaped the third degree? A. That's what he meant.

By Mr. Moss:

Q. Was Mr. Parkhurst's name mentioned by Captain Cross and these detectives in the station-house? A. Yes, sir; they asked me if I was engaged with Dr. Parkhurst, and I said, "No."

Q. Was that all? A. Yes, sir.

Q. What day was it you were finally lodged in the Tombs? A. I was brought to the Tombs on the 20th or 21st; I am not sure.

Q. Twentieth or 21st of January? A. Yes, sir.

Q. And you have been there ever since? A. Yes, sir.

Q. How many times have you been taken from the Tombs to court? A. On Tuesday last it was 27 times.

Q. Twenty-seven times you have been taken from the Tombs to the Court of General Sessions? A. Yes, sir.

Q. When was the last time? A. Last Tuesday.

Q. Have you a lawyer? A. My lawyer was Mr. Chandler, but he left after the Dr. Meyers trial, so he gave my case over to Mr. Henry D. Sedgwick.

Q. Have you and your lawyer asked in open court for trial? A. Yes, sir.

Q. How many times? A. And I wrote, myself, to the judge.

Q. What judge? A. Judge Cowing.

.Q Did you get an answer? A. Never did.

Q. Have you been ready and demanded to be tried ever since you were first brought down to court? A. Yes, sir.

Q. Do you know how many district attorneys or assistant district attorneys have handled the papers in your case? A. I think three.

Q. Who were they? A. Mr. Osborne, Mr. Townsend and Mr. Davis, I think.

Q. They pass it along from one to the other? A. Yes, sir.

Q. Did you ever hear an excuse made by the district attorney why you were not tried? A. No; I never did; because I was locked up in the back, and that was in front, and I only seen my lawyer, and I would ask him; and he said they shoved it over; he came to me and said, "Next Tuesday or Wednesday," and so I am still waiting.

Q. Have you any hope of a trial? A. To-day my lawyer told me he was promised by District Attorney Osborne that my case would be tried for sure on the 9th or 10th of June.

By Chairman Lexow:

Q. The 9th or 10th of July? A. Yes, sir.

Mr. Cantor.—What is the charge against him, Mr. Moss?

By Mr. Moss:

Q. What is charged against you? A. For extortion.

Q. How much was it? A. Twenty-five dollars or \$30, I don't know.

Chairman Lexow.—The charge against him is extortion?

Mr. Goff.—It must have been extortion, or attempted extortion.

Q. I think I heard you say you were with Detectives Taylor and Lang around in houses of ill-fame a great deal? A. Yes, sir.

Q. And you say they spoke to you about going to Parkhurst? A. No, sir.

Q. When they arrested you? A. Yes, sir; they spoke to me, and said, "You are a Parkhurst man now."

Q. You must have had considerable knowledge of Detectives Taylor and Lang; you must have seen them a great deal; you have carried on their business? A. I have been together nearly every night with them.

Q. For about how long? A. For about nine weeks.

Q. What were you doing with them; tell us exactly? A. Well, they sent me in the house on Stanton street, 81 or 83.

Q. What for? A. Disorderly house.

Q. To get evidence? A. Yes, sir.

Q. How many houses did you get evidence in? A. Five.

Q. Were all those five houses pulled? A. Yes, sir.

Q. And were the inmates all fined? A. No, sir; not one is fined.

Q. They have been tried? A. They were tried; yes, sir.

Q. Any of them sent to prison? A. No, sir; discharged.

Q. Do you know whether any of them paid money? A. Yes, sir; they told me they paid.

Q. Who told you? A. The owners.

Q. You mean the madames or proprietors of the houses? A. Yes, sir.

Q. And these detectives who got you to go into these houses which they raided, and the cases were tried and the people dismissed; these were the same men who arrested you, and called you Parkhurst? A. Yes, sir.

By Senator Bradley:

Q. Did you ever see the defectives get any money from these people? A. Yes, sir.

Q. Where? A. In Geiger's place, once.

By Chairman Lexow:

Q. Did these madames claim they paid after the arrest or before? A. Yes, sir.

Q. Did they claim they had paid before they were arrested? A. Had been paying before, and paid after; that's what they claimed.

Q. Where is Franko's saloon? A. On Eleventh street, between Third and Fourth avenues, but I guess he has not got it any more.

Q. You think he is out of business now? A. Yes, sir.

Cross-examination by Mr. Ransom:

Q. Mr. Witness, where did you live before you came to New York to open this cafe? A. One Hundred and Twenty-fourth street near Eighth avenue.

Q. What was your business there? A. I kept a confectionery store, 2314 Eighth avenue, near One Hundred and Twenty-fifth street.

Q. What did you do before that? A. I had a cloak manufactory in Bleecker street.

Q. What was your business before that? A. Traveling for a clothing house.

Q. In this city? A. Yes, sir.

Q. What was your business before that? A. Before that I came over to this country from Europe.

Q. When was it you were engaged or employed for this distillery in Kentucky? A. That's the last time, when I was in business, and I returned from Europe, and I came back I found my partner had ran away, and I was bankrupt, and I lost \$6,000 worth.

Q. How long have you lived in New York city? A. It is now about six years.

Q. Are you a married man? A. No, sir; I am not.

Q. How long were you engaged in the business of procuring evidence for the police for disorderly houses? A. Only nine weeks, thank God, and that was only because they forced me; I had my store over there.

Q. You would not have gone into that business if you had not been forced to it by the police? A. Yes, sir.

Q. You swear to that, do you? A. Yes, sir.

Mr. Ransom.—Well, I don't want any more evidence after that. That is all.

By Mr. Moss:

Q. You say you kept store before that? A. Yes, sir.

Mr. Goff.—I would now request an adjournment.

Adjourned until Friday morning, at 10:30 a. m.

Proceedings of the 25th session of the committee, June 29, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Daniel Bradley, Edmund O'Connor, George W. Robertson and Jacob A. Cantor; John W. Goff, Frank Moss and W. Travers Jerome, counsel for the committee; De Lancey Nicoll, of counsel for the police board.

George Delmachus, called as a witness on behalf of the State, being duly sworn, testified as follows:

Mr. Goff.—Mr. Chairman, this witness is a Greek, and I have secured the services of Mr. Bardy, a reputable gentleman, who will interpret for us.

George T. Bardy, was sworn as interpreter.

Mr. Goff.—I request, Mr. Chairman, that you state to this witness the conditions under which he comes here to testify in regard to the resolution appointing the committee.

Chairman Lexow.—Tell the witness that he is to understand that in giving testimony before this committee with reference to bribery or corruption, that that testimony can not be used against him in any trial or suit or proceeding, nor for the purpose of securing an indictment against him, and the indictment is barred, and any prosecution for it is barred. (The interpreter interprets the chairman's direction.) All he has to do is to tell the truth and fear nothing. Does he understand you?

The interpreter.—He understands me.

Mr. Nicoll.—Has he taken the oath?

Chairman Lexow.—Yes.

Mr. Nicoll.—What oath?

Chairman Lexow.—The oath on the Bible, the regular oath, it has been translated to him.

Mr. Nicoll.—Does he regard that oath as binding?

Chairman Lexow.—I suppose so; why not? Ask him whether he is a Christian and believes in the Bible.

The Interpreter.—Yes; he is of the Orthodox Church.

Direct examination by Mr. Goff:

Q. What is your business? My questions, Mr. Interpreter, I will direct them to the witness, and you take the questions and translate them to the witness, and give us his answer.

The Interpreter.—Yes.

A. At present I am not employed at anything.

Q. What were you employed at some months ago? A. About a couple of months ago I had a push-cart; about two months ago I had a push-cart.

Q. What did you sell? A. Fruits.

Q. Where did you go with your push-cart? A. I was standing corner of Barclay street and Broadway.

Q. Had you a license? A. Yes, sir.

Q. Did you stand there all the time, or did you go around the streets to sell your fruits? A. I was standing there all the time; four months; every day.

Q. How long were you standing there? A. For four months.

Q. What were you doing before you had a push-cart corner of Broadway and Barclay street? A. I was selling with the push-cart around the streets of New York.

Q. How long have you been in America? A. Three years.

Q. Was the license or permit to have a push-cart in the streets given to you in your own name? A. Yes, sir.

Senator Bradley.—When you give it in English, speak a little louder, so the reporters over here can hear you; they can not hear you there.

Mr. Goff.—My impression is, Mr. Chairman, that the ordinance of this city requires none but citizens be granted a license.

Senator Bradley.—That is so.

Mr. Goff.—That is my impression; I would not say it positively, but that is my impression that is an ordinance of this city.

Chairman Lexow.—It would be a very proper one, if it was not.

Mr. Goff.—I think that is so; I have not read the ordinance recently, but I have a recollection that is the law.

Mr. Nicoll.—You mean to say a Jerseyman could not get a license?

Mr. Goff.—A Jerseyman may be a citizen of the United States. I mean a citizen in the broad sense of the term, because a man in Nebraska, for instance, becomes a citizen by a year's residence. Any citizen. I think that is the law here.

Q. Do you know many Greeks who have licenses for push-carts? A. I know some have licenses, and I know others have not.

Q. And while you had your push-cart at Broadway and Barclay street, did you have to pay anybody anything for keeping your push-cart there? A. I was paying to the wardman.

Q. How much were you paying to the wardman? A. I was paying \$15 a month.

Q. Fifteen dollars a month for a push-cart; where did you pay the wardman the money? A. I paid it to him myself at the station-house; other times I paid it to an Italian young man who was to give the money to the wardman.

Q. Sometimes — many times, he paid at the station-house? A. Yes, sir.

Q. And other times you paid to an Italian young man for the wardman? A. Yes, sir.

Q. Is that it? A. Yes, sir.

Q. Give us the answer louder, Mr. Bardy; all these gentlemen want to hear it; when you paid money at the station-house, to whom did you give the money? A. I paid to Mr. Wilson; I know the name to be Mr. Wilson.

Q. Is that the name of the wardman? A. I think so; I am not positive.

Q. Who told you to go to the station-house to pay the money? A. I heard from others who went there.

Chairman Lexow.— Speak up; we can not hear.

The Witness.— I heard from others who went there, and I went myself.

Q. Who were the other persons you heard from? A. I know Italians and Greeks.

Q. Were they push-cart men? A. Yes, sir.

Q. What were you told by them? A. They didn't tell me anything; but I went to the station-house, and I seen them there, so I went and paid myself.

Q. What did you pay for? A. I paid for to leave me stand at the corner, because if I would not pay they would not leave me stand there.

Q. Because if he would not pay they would not leave him stand there; well, before he paid, did any one tell him he should pay or he would be driven away from there? A. Nobody came there to tell me that I could not stand; but I knew that I could not stand there unless I would come and see somebody; and so I went to the station-house, and fixed it up beforehand before I went to stay on the corner.

Q. You went to the station-house to fix it up before you put your push-cart on the corner? A. Yes, sir.

Q. When you went to the station-house first, did you see this wardman Wilson? A. Well, I went there; the third time I saw him; I went three times, and the third time I saw Mr. Wilson.

Q. What did Mr. Wilson say to you, and what did you say to Mr. Wilson? A. I asked Mr. Wilson to give me some corner to stand with my push-cart, and he said, "All right;" he will find out which corner to give me, and so, after one week, he gave me this corner, corner of Barclay street and Broadway, and I paid Mr. Wilson the \$15; that was the understanding for each month to pay \$15.

Q. Did Mr. Wilson say to you the amount of money you would have to pay him for standing corner of Broadway and Barclay street? A. The first two months, sir, I paid \$10 per month; the first two months I paid \$10 per month, and the third month I wanted to put some chestnuts in addition to my push-cart, and I put a chestnut-stand outside, and Mr. Wilson told me I had to pay some more; and then I was paying \$18 a month.

The Witness.—Fifteen dollars.

The Interpreter.—Fifteen dollars a month.

Mr. Nicoll.—Don't the witness understand the English language? He has corrected you there.

The Interpreter.—Very little; he knows 18. He knows to count.

Q. So you paid \$5 extra for the peanut-stand? A. The chestnut-stand.

Q. Now, how did you come to pay the Italian money? A. This Italian young man, sir; he is a bootblack.

Q. Speak up; we can not hear you at all? A. This young Italian man is a bootblack at the station-house, and he came around the first two months and was collecting money from others, and so I paid it; I knew it was for the wardman.

Q. What is that Italian's name? A. I don't know.

Q. Did you recognize the Italian that came around to you to collect as the Italian bootblack in station-house in Church street? A. Yes, sir; I recognize him to be the bootblack.

Q. Now, when you paid the \$15 at the station-house, did you get a piece of paper, or a ticket? A. He gave me a piece of paper, and I lost it.

Q. What was the piece of paper he gave you? A. There was a piece of paper; I don't know what it was for, but it was some letters on it that I could not understand; it was a book like—a small book—and I only understand it was corner of Barclay street and Broadway; the other letters I could not make out.

Q. You mean to tell us, Mr. Witness, that this little book you got in the station-house from Wardman Wilson had on

it a mark, "Barclay street and Broadway;" is that so? A. Yes, sir.

Mr. Goff.—You understand that, Mr. Chairman and Gentlemen. I wish to call your attention to that here. That when he paid the wardman the \$15 in the station-house, he received a little book from him which the witness did not understand, except the words written inside, "Barclay street and Broadway."

Q. Well, did you receive a book?

By Senator Cantor:

Q. Was it a pass-book?

Mr. Goff.—He says a little book; that is the best description we can get.

Q. Was the little book an advertisement book? A. That little book, sir, it was one book which I see given out in the street; I suppose it was some kind of book for advertisements; I don't know what.

Mr. Goff.—I know what the book is, gentlemen.

Senator Cantor.—Was there anything in writing on the back.

Mr. Nicoll.—Have you seen this little book?

Mr. Goff.—Yes; I have. Unfortunately, I haven't one. No; this is not the issue.

Q. Just ask the witness if the little book I hand him now is like the one that he got from the wardman; just let him look at it, the cover, I want? A. I am not positive; I could not say; I think it is the same like this.

Q. He thinks it is the same like this.

Senator Cantor.—I suppose it is about the same size, he means.

Mr. Goff.—As matter of fact, this is one of the books.

Senator Cantor.—This is no connection between the name of the firm and him?

Mr. Goff.—No; that is why I did not mention it.

Q. Was it inside the book you got, was it in pencil writing, the place where you should stand with your push-cart? A. Yes, sir.

Q. Now, what were you given the book for? A. I understood they gave me that book to know the date when I had to pay.

Q. To know what; the date? A. When I had to pay.

Q. Well, but wasn't there something said to you that in case you were arrested by the police, that you show that book to the

sergeant at the desk in the station-house? A. No, sir; I was not told anything like that; and I never went into the station-house to show a book; I was arrested many times, but I never showed the book.

Q. Did you know of any push-cart men who were arrested, and who showed the book when they were arrested and brought to the station-house? A. No, sir.

Q. Is it not a fact that any push-cart man that had that book was not to be arrested; weren't you told that? A. Well, I know in some cases some were arrested, and they showed that book and the officers would let them alone.

Q. And the push-cart men who hadn't that book, they were arrested; isn't that true? A. Yes, sir; I know it.

Q. How much money did you pay altogether for keeping your push-cart at the corner of Barclay and Broadway? A. I paid to the man \$50.

Q. How long was that ago? A. It was the last season, sir.

Q. The last season? A. Yes; about August, September and October.

Q. How did you come to get out of the push-cart business, George? A. I engaged myself in a restaurant, keeping at Roosevelt street, for my countryman; that is why I left the business.

Q. Had you anything to pay in Roosevelt street, George? A. No, sir.

Q. You are working in the restaurant? A. At the present time; no, sir.

Q. He is not working there at present?

The Interpreter.—No, sir.

Q. Can you tell how many push-carts paid to Wardman Wilson while you were paying; the number of push-carts that paid? A. I am not positive, but I think about 25 or 30 push-carts.

By Chairman Lexow:

Q. Ask him whether it was the generally understood custom in his particular business to pay money to wardmen for the privilege of having push-carts on the street? A. Yes, sir; I was peddling in the streets of New York before I paid, and I was every day getting arrested, and business standing on the corner was better for me, and when I found out they were paying I paid myself to stand there. (Answer read at the request of Mr. Goff.)

Q. Do you mean by that that you found out the others engaged in the same business were contributing to this police fund? A. Yes, sir.

Q. And that it was a general custom of that business to do that? A. Well, I know it was the custom, because a good many that were not paying they were getting arrested every day in the streets; so all were compelled to make arrangements and pay something to have some corner to stand on.

Mr. Goff.— You may examine.

By Senator Bradley:

Q. Ask him if he knows his little book? A. I don't know now.

Cross-examination by Mr. Nicoll:

Q. When was he last arrested? A. It was last September, sir; last September I was arrested.

Q. Was he fined? A. I was put under \$300 bail, and I got out on bail, and I was fined \$5 at Special Sessions.

Q. When was he arrested prior to that? A. I don't remember, sir.

Q. Well, can't he tell within a month or two months? A. Well, I was arrested before that many times; but the four months I stood on that corner I was arrested once.

Q. Was he arrested during the time that he says he was paying the police for protection?

The Interpreter.— Yes; he said once.

Q. When was that; don't you testify now?

The Interpreter.— He said to me once.

Q. I know; you put every question I put to him directly, as I put it? A. That was one time I was arrested while I was the four months I was paying; that was in September.

Q. Was that the only time that he was arrested during the time in which he says he was paying the police? A. Yes, sir; that was the only time.

Q. Do you understand English?

The Witness.— Yes. I can not speak; I can not speak.

Q. Do you understand it?

The Witness.— I understand a little.

Q. When did you first commence to push a cart in the city of New York, do you understand that? A. Yes; I know; but I can not speak.

Q. Do you understand that? A. Yes; I know that.

Q. When? A. I can not speak.

Q. What? A. I can not speak.

Q. You can not speak? A. Yes.

Q. You can not speak English? A. No.

Q. Can't you speak enough English to tell me when you first commenced to push a cart in the city of New York? (No answer.)

Q. What; do you understand that? A. No; I don't know.

Q. Do you understand it; what? A. No.

Q. You did not understand? A. No.

Q. The question of mine; what? A. I don't know.

Q. How long have you been in the city of New York; three years ago? A. Three years ago.

Q. You understand that? A. Yes.

By Chairman Lexow:

Q. Three years, do you say? A. Yes; three years.

Chairman Lexow.—Just use your voice; there is nothing to be alarmed at.

By Mr. Nicoll:

Q. On what date did you first commence to make payments to the Italian bootblack? A. That I can not speak.

Q. You can not speak; now, we will go on.

The Interpreter.—Shall I ask him the question?

Q. You ask him the question: What was the time of your first conversation with a wardman said to be called Wilson? (The interpreter again interprets for the witness.) A. I do not remember, sir, exactly the date.

Q. Where was it? A. Another young man told me he had a place, and I went and met Mr. Wilson outside of the station-house.

Q. Was it outside the station-house that the first incident took place? A. Yes, sir.

Q. Who was present? A. Nobody was present.

Q. But Wilson and himself? A. Yes.

Q. What was the first thing that Wilson said? A. I asked Mr. Wilson to give me some corner to stand, and he told me, "Yes, I will give you some corner, but you have to pay me \$10 per month."

Q. What then was said? A. He told me that he would give me a place and I went after one week, and he gave me the place.

Q. Was this conversation with Wilson conducted in Greek?

A. The other young man, who told me that they were paying, he explained to Mr. Wilson that I wanted a place.

Q. I understood him to say that at the interview with Wilson, in which the conversation which he has repeated, that no one was present except Wilson and himself; see if that is not true?

A. When I first met Mr. Wilson, it was with this young man who told me they were paying money.

Q. Is his statement he made a few moments ago that, at this first interview with Wilson, nobody but Wilson and himself was present, true or untrue? A. I want to say, at the time I paid the money, there was nobody else present; but the first time I asked Wilson to give me the place it was through this other young man, because I did not know Wilson.

Q. Was the conversation conducted in Greek? A. Well, this young man had told Mr. Wilson what I wanted, and he knew very well, and there was no need for any conversation at all.

Q. Well, if there was no need for a conversation why has he testified twice to a conversation with Wilson on the first interview; ask him for that? A. It was the first time, as I said, that this young man spoke to Mr. Wilson about me, that I wanted a place; the second time I met Mr. Wilson I paid only the money.

Q. Have you ever made any agreement with Wilson personally to pay any money; did he ever make a personal agreement with Wilson to pay any? A. There was no special agreement, sir; but so much everybody were doing.

Q. Did he ever have any conversation with Wilson on the subject of paying money; ask him that himself? A. I have no conversation; I knew only from others; my countrymen — that they were paying \$10.

Q. Is it true, then, he never had a conversation with Wilson on the subject of paying money? A. I have no conversation, sir; the first time I went to the young man, as I said.

Q. Why did he testify, in reply to Mr. Goff, and also in reply to me a few moments ago, to the details of a conversation with Wilson? A. As I said, the first conversation I had with Wilson, it was through this other young man who could speak English.

Q. That is not an answer to the question; read the question again to him?

Q. (The question was read by the stenographer.) What did he testify in reply to Mr. Goff, and also in reply to me a few

moments ago, to the details of a conversation with Wilson?

A. I had a conversation through the interpreter; this young man was interpreter.

Q. What was the date, approximately, of the conversation with Wilson? A. I don't remember, sir.

Q. Can you tell the year? A. Eighteen hundred and ninety-three.

Q. The month? A. It was in July.

Q. What was the date, according to his testimony, of the first payment to Wilson? A. I don't remember, sir.

Q. Was anyone else present when he paid it? A. No, sir.

Q. Was anyone else ever present when he paid the money to Wilson, except Wilson himself? A. No, sir; never.

Mr. Nicoll.—That is all.

Mr. Nicoll.—Mr. Chairman, according to the morning journals, late yesterday afternoon, a witness, named Drothleff, testified to some story of alleged persecution, from which the committee were asked to infer that he had been made the subject of some persecution on account of his attitude toward the police. I understood the witness to say that his case in the district attorney's office had been adjourned 26 or 27 times.

Chairman Lexow.—Twenty-seven times.

Mr. Nicoll.—Twenty-seven times; and he represented to this committee that there was apparently some systematic effort to postpone his trial for the purpose of keeping him in the Tombs as a punishment for what he had said or done. Now, it appears from the records of the district attorney's office that this witness is under three indictments, not one; two of which were found on the 25th day of January, 1894, and one of which was found on the 15th day of February, 1894; the first two being for grand larceny and extortion, and the second for extortion. It also appears that this case, from memoranda on the papers, with which Mr. Goff and myself are familiar, that the case was on the calendar of the February term; and it was postponed at the defendant's request; that it was on March 13th again, and the complainant was absent; that it was on the June term, 1894, and postponed upon the request of defendant's counsel. I think it is only fair that a note of these items should be made, and of these indorsements, for the purpose of being put alongside of the testimony of the witness.

Mr. Goff.—I have no objection to it.

Chairman Lexow.—How about the other 24 times?

Mr. Goff.— We have no records of that. I have no objection to have it put on the record. Now, Mr. Nicoll is always quick to take advantage, of course, of our kindness. He sent for these papers.

Mr. Nicoll.— And also sent the clerk back and told him you did not want him.

Mr. Goff.— We did. Now, you took advantage of our courtesy, and we will take advantage of yours. Of course, it will be noticed that two of the indictments are found on the same date — the 25th of January, and each of the indictments is for acts growing out of the same transaction, because it is like indicting a man for larceny and also indicting him for receiving stolen goods; or, in other words, putting half a dozen counts into the indictment, covering the same transaction, and pleading the same offense in different ways. So that disposes of two indictments. The other indictment is —

Chairman Lexow.— Two weeks later?

Mr. Goff.— Two weeks later; growing out of the same transaction also — extortion; so that the three indictments are simply for the one offense.

Mr. Nicoll.— Why do you say that?

Mr. Goff.— The facts are the same.

Mr. Nicoll.— Do you say you have investigated?

Mr. Goff.— Yes; we know. Let me say further, it is but just that, as the witness testified to yesterday, that on one of the documents to the 15th of February, the name Chandler is indorsed, which means Mr. Chandler was assigned counsel, this prisoner being too poor to employ counsel; and as he explained yesterday Mr. Chandler having gone to Europe, after the Dr. Meyer trial, and before the Dr. Meyer trial, Mr. Chandler was so engrossed and engaged in the Dr. Meyer trial, he could not tend to anything else, and that he obtained one adjournment on the part of the defendant's counsel.

Mr. Nicoll.— If Mr. Goff has such a pat explanation of all this, it is peculiar that he sent this testimony out of court?

Mr. Goff.— I don't think that. Also, we find in the papers here, a notice of motion to dismiss the indictment, signed by Henry D. Sedgwick, Jr., counsel for the defendant. (Mr. Goff then read notice of motion and affidavit.)

Mr. Nicoll.— Now, it appears it was put on the calendar in consequence of that motion, and on the 20th of June postponed by the defendant's counsel, at his own request.

Mr. Goff.— Let us see.

Mr. Nicoll.—Isn't it?

Mr. Goff.—That appears to be. Of course I would like to hear Mr. Sedgwick. Here is a memoranda and a motion has been pending here. The motion was made before this date; and this is a memoranda not signed by anyone, in pencil. I know it has been the practice in the district attorney's office, that where a memorandum of that kind was put on an indictment that the assistant having charge of the indictment would sign his initials to guarantee the accuracy of it; but there is no name whatever signed to this memorandum, and, non constat, that memorandum may have been made by a subpoena-server up at the district attorney's office, and we are not bound by that.

Senator Cantor.—It says it was adjourned by the defendant's counsel?

Mr. Goff.—Yes.

Senator Cantor.—Would not the memoranda be made by the clerk of the court?

Mr. Goff.—Oh, no, Senator, by the assistant in charge.

Mr. Nicoll.—It is not necessary to get so disturbed about the matter. I thought it is necessary to inform the committee about that. You need not take up the time of the committee with an elaborate explanation. I knew nothing about this, and the clerk was going out of court, and handed them to me. I knew nothing about it.

Mr. Goff.—My friend Nicoll has thrust his head into a hornet's nest, and he wants to get it out as quickly as possible. I wish to call the committee's attention, also, to another matter that has come to my attention on these papers as a further corroboration of the witness' testimony yesterday. It is not only the law, but the rule, that the names of witnesses must be inscribed upon the indictments, and also on the complaint; and I find upon each of those complaints, that the only witnesses against this man are officers from the central office—Jacobs and Dunn, officers C. O. precinct, that means central office. They are the witnesses in one case; and the complainant, that is, the stool-pigeon, Lazarus Birnkoff, that is on the indictment. The next indictment the officers are Taylor and Lang, Fourteenth precinct, and "Inquire of Franko" as a witness. That is the man that kept the place there.

Chairman Lexow.—Franko is the man that claimed extortion was attempted on him.

Mr. Goff.—Yes; that is what I say; "Inquire of him."

Constantine Borias, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Can you speak English? A. No; I can not speak.

Chairman Lexow.— Translate the oath to him.

The interpreter, Mr. Bardy, translated the oath.

Q. Now, what is your business; now, Mr. Bardy, raise your voice a little higher to us? A. I am a peddler, sir; a push-cart.

Q. Did you stand at any particular corner? A. Yes, sir; I stand in corners, and when I see any officers coming around I take my push-cart and move on.

Q. You don't wait to be told to move on, do you? A. Yes, sir; sometimes I don't see the officer, and he comes along, and drives me away; so I take my push-cart and move on the street.

Q. Have you a license, Constantine? A. Yes, sir.

Q. And what streets do you generally frequent? A. I go around Wall street, Exchange place, Nassau street, William street; all around those streets.

Q. Have you ever paid the police anything — any money? A. No, sir.

Q. Have you ever been arrested? A. Yes, sir; many times.

Q. Were you fined? A. Yes, sir.

Q. How much? A. Ten dollars, and \$5; at times I was fined \$10, and at times \$5, and one time I was one month sent to the city prison for one month, to Blackwell's Island for one month.

Q. All for the push-cart business? A. Yes, sir.

Q. Did the wardman ever visit you? A. Yes, sir; he came around a chasing me away where I was standing.

Péter Skadias, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Chairman Lexow:

Q. Do you understand English? A. I know a little bit.

Q. Can you understand the oath? A. Yes, sir.

(Oath administered to witness.)

Q. What is your name? A. Peter Skadias.

Q. What is your business, Peter? A. I am a peddler.

Q. What do you peddle, Peter? A. I have a push-cart.

Q. Fruit? A. Yes, sir.

Q. What streets do you go in, Peter? A. I am going all over.

Q. What streets do you generally go in; what part of the city? A. Wall street, Fulton street, Nassau street, Liberty street—any place at all—Fulton street, Park place, City Hall—all around.

Q. Have you a license? A. Yes, sir.

Q. Do the police ever trouble you? A. Yes; they chase me away all the time.

Q. You never pay them any money? A. No.

Q. Were you ever asked for any money? A. No; nobody asked me for the money at all.

Q. You are afraid to testify against the police, are you not? A. Well, if come any, I move from the police.

Q. Are you afraid to testify against the police? A. No; I am not afraid.

Q. Are you afraid to testify against them at all? A. No; I am not afraid.

Q. Weren't you told, when you came here this morning, not to say anything against the police? A. I don't know that.

By Chairman Lexow:

Q. Didn't somebody tell you not to say anything against the police, this morning? A. No, sir.

Q. Nothing at all? A. I say nothing at all.

By Mr. Goff:

Q. Don't you know the push-cart men have to pay the police? A. I don't know anything at all.

Q. Did you ever hear of it? A. No.

No cross-examination.

Demos Skadias, called as a witness on behalf of the State:

By Chairman Lexow:

Q. You understand English? A. No.

Q. Not a bit? A. No.

Mr. Bardy was called to interpret the witness, and the oath was administered to the witness, who testified as follows:

Chairman Lexow.—Tell him that anything he may say here—tell him this, and tell it to him carefully—anything he may say here with regard to bribery is privileged; that no action can be brought against him, or proceeding; that no indictment

can be secured against him; he can not be punished for any confession made by him here that he has bribed, it is a bar against any proceedings to be brought against him hereafter. All he has to do is to tell the truth; because, if he commits perjury, he can be punished. Ask him if he understands all that?

The Interpreter.—Yes.

Direct examination by Mr. Goff:

Q. Are you a push-cart peddler? A. Yes, sir.

Q. Where do you go with your push-cart? A. I go around the streets of New York; all around the street.

Q. Have you got a license? A. Yes, sir.

Q. Were you ever arrested? A. I was.

Q. Were you ever fined? A. I was arrested three times; two times I was discharged, and one time I was held under \$50 bail, which I was tried and fined \$3.

Q. Well, when you were discharged, did you have a little bit of paper that you showed to the sergeant—a little book? A. No, sir; I had no ticket.

Q. Did you ever pay any money to the police? A. No, sir.

Q. They chased you, too? A. Yes, sir.

Mr. Goff.—I do not want to take up our time.

Chairman Lexow.—Ask him this question: Whether he knows that, where a peddler in his line of business got from the police a right to stop or have his stand in a certain place, they paid for it; and when they travel around the city like he does, apparently, they do not pay for it; ask him whether that is the custom? A. I don't know, sir; I could not say that anybody paid; I, myself, was standing in the place where I had the permission of the owner of the building, and I was standing there, and sometimes many officers were chasing me, and I went away; any time they leave me alone, I could stay there.

No cross-examination.

John Cannelus, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Chairman Lexow:

Q. Do you understand English? A. Yes, sir.

Chairman Lexow.—You understand any testimony you may give in reference to bribery—payment of money to any public

official or policeman is privileged; that if it is true that you did so, and you confessed it here, that confession will be a bar to any prosecution against you for it; you can not be indicted for it.

Direct examination by Mr. Goff:

Q. Are you a push-cart man? A. No, sir.

Q. What is your business? A. Oysters.

Q. Where do you keep your stand? A. Twenty-seventh street and Eighth avenue.

Q. Have you a stand outside your oyster place? A. Inside the stoop line.

Q. Oh, inside the stoop line? A. Yes.

Q. How do you know it is inside the stoop line? A. What is that?

Q. How do you know it is inside the stoop line? A. Well, I keep it there every night.

Q. Who told you that? A. Well, I—

Q. What; who told you about the stoop line? A. Well, I got the privilege of the parties inside the store.

Q. From the parties? A. Yes, sir.

Q. Did the police ever trouble you? A. No, sir.

No cross-examination.

Patrick Ryan, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. Packing boxes.

Q. Have you more than one place of business in New York? A. I have, sir; three.

Q. Please give us the names of the three? A. One hundred and nine Reade, 58 Bleecker and Morton and Washington.

Q. Your business is to manufacture these boxes for the use of drygoods houses? A. We buy them from the different houses that has them for sale; we take them to our place of business and overhaul them and repair them, and send them off and sell them to whoever wants them.

Q. It is overhauling and repairing them, as it were, and putting them in shape to sell them again? A. That is it.

Q. You find it necessary for your business to occupy the sidewalk more or less? A. We do, and we handle a good deal of

this stuff, to the matter of 600 or 800 a day; we have a large place, and at the same time we take up a great deal of room, and we economize room as much as we possibly can, but at the same time we are obliged, sometimes, so much that we can not help incumbering.

Q. You must do it sometimes? A. Yes, sir.

Q. Have the police interfered with you sometimes for incumbering the sidewalk? A. Yes, sir; a great deal.

Q. Well, have you had any arrangement with the police? A. No, sir.

Q. About incumbering the sidewalk? A. No, sir; I fought my battles in courts.

Q. In the courts? A. Yes, sir.

Q. You have been subpoenaed by the corporation attorney? A. I have, sir; repeatedly.

Q. And paid your fines? A. Yes, sir.

Q. Was there ever any suggestion made to you by any man, either a member of the police force, or representing the police force, that you could arrange it with the police? A. Well, there wasn't anything as strongly as that you put it.

Q. Sir? A. Nothing in that kind of language; that is a little too strong; they hinted to me in a kind of way; and I could not tell whether he meant it or not; nothing from anyone in authority.

Q. Were you talking to any police official there in the matter? A. No, sir.

Q. Have you ever given the police any consideration at all — anything? A. What I consider a consideration would be money; now, I have a great deal of refuse in the state of cuttings and something like that; an officer on the post might say, "Can I have a box of that wood;" I would say, "Certainly, I am glad to get rid of it;" it is not money; never suggested anything of that kind to me.

Q. You have never given any money? A. No, sir.

Q. Or authorized anyone to give any money to police officials? A. No, sir.

Q. You are very clear about that, Mr. Ryan? A. Well, to all intents and purposes I am; I think I am right on that point; because, as I said before —

Q. If you had given any money, Mr. Ryan, would you know about it? A. It is most likely I would.

Q. Can you say now, on your best recollection, you have never given any money or authorized anyone to give any money for you? A. No, sir.

Q. To any police official? A. Yes, sir.

By Chairman Lexow:

Q. Has anybody come to you, Mr. Ryan, and said that if you would pay something, that these constant prosecutions of yourself for violating the ordinance might be avoided? A. No; I don't remember that.

Q. Nor suggested that? A. No, sir.

By Mr. Goff:

Q. I hand you a check stub-book, which you have brought into court this morning? A. Yes.

Q. In response to a subpoena duces tecum from me; the book indorsed from October 29, 1892, to March 9, 1893; and ask you if that book is a stub check-book? A. That is the stub check-book.

Q. That you use in your business? A. Yes, sir.

Q. I merely wish you to identify it, Mr. Ryan? A. Yes, sir; that is the book.

Mr. Goff.— We will mark that for identification.

(Book marked Exhibit 1, for identification, of this date.)

Q. Now, I turn to check No. 1004, dated "November 12, 1892, account \$100 to captain of police;" what was that check for? A. Captain of police.

Q. Just look at it? (Witness examines book.) What date was the check, Mr. Goff?

Q. November 12, 1892? A. "Captain of police;" it is there in black and white; I suppose the check must be drawn; I won't—I merely signed those checks; I don't write those checks; I sign those checks.

Q. Just a little louder so everybody can hear you? A. But I don't write them.

By Senator Bradley:

Q. That is not in your handwriting, is it? A. No, sir.

Q. Whose handwriting is that? A. I believe that is a young man's, named Connor, that used to keep the books for me about that time.

Senator Lexow.— Let me see it.

Mr. Goff.— The bottom of the page, Senator.

Mr. Nicoll.—What is the amount?

Mr. Goff.— One hundred dollars.

By Mr. Goff:

Q. Now, Mr. Ryan —

By Chairman Lexow:

Q. Do you remember signing that check now, Mr. Ryan? A. Well, the way I do, your honor, is —

Q. You want to be a little more careful, you know, that is pretty serious? A. I go to my business, that is the office proper, on a Friday, about once a week, I am at my main place, that is where the greater portion of the business is transacted at the corner of Morton and Washington; I sign a bunch of checks, for perhaps half a dozen or a dozen at a time, in case I should not be on hand my bookkeeper would be able to fill the bill and shall pay expenses.

Q. Didn't he make returns to you afterward; didn't he tell you afterward what he used the blank check for? A. The young man that has kept my books; now, he is my son, consequently, I do not look it up perhaps as sharp as I might if he was a stranger.

Q. This was your son that wrote that? A. I don't think it was.

Q. You mean to say the person who used that check used it unauthorized from you to do so? A. No; he must have authorization in some shape or other.

Q. Do you remember by refreshing your recollection by seeing that in the check-book; do you remember the time that check was drawn? A. It was drawn about that date, of course.

Q. Did you give that check? A. Not personally.

Q. Did you see the captain? A. Sir?

Q. Did you see the captain? A. The captain?

Q. Yes? A. I don't know what captain it was.

By Senator Bradley:

Q. You keep all your old checks when you get them back? A. I do.

Q. You have got that check? A. I guess I have; I must have it; you know there is a lot of checks that are paid out to the corporation attorney, Mr. Goff.

By Mr. Goff:

Q. Those checks were for fines? A. Yes; paid for fines.

Q. Now, in 1892, the time this check was drawn, what captain was in the precinct? A. At that time; in the precinct? Well, you see, I could not tell which precinct this is intended for; I am in three different precincts.

Q. You could not tell which precinct this check was intended for? A. No; not intended for.

Q. And you have got a shop in different precincts? A. I have; three different precincts.

Q. And, of course, what you have done in one precinct, you have done in the other precincts? A. Well, I don't know about that either; some people are lenient in these things, and other people are severe.

Q. When you said you could not tell which precinct this check was for? A. I can not now; I would have to refresh my memory up.

Q. Don't you mean us to understand that you did the same in other precincts—drew checks for the other precincts as well? A. No; I do not; no; don't take my testimony in that light; I hope you won't; because that has nothing to do with that; what is done in one is not done in the other.

Q. We would be very pleased if we could hear you louder? A. All right.

Q. You mean by that some captains are better than others? A. Some captains are more respectable than others, because my business requires a room; it a business you can not put in your vest pocket, and travel off with.

Mr. Nicoll.—Mr. Ryan, would you mind talking a little louder so I can hear you.

The Witness.—All right.

By Chairman Lexow:

Q. You don't mean to say when a captain, in your judgment, took a more business-like view of it was by refusing to take money to permit you to incumber the sidewalks? A. I never had a captain ask for money from me.

Q. When this captain received the \$100, it was because he did not understand the situation? A. I don't know what you mean by this captain or that captain.

Q. You drew a check to the police account? A. I did not draw it at all; I signed the check before it was made out.

Q. You know where the check went to? A. I could not tell you where it went to; I can not tell whether it went to captain or roundsman, or policeman.

Chairman Lexow.— Why don't you call for the return voucher, Mr. Goff; hasn't he the return voucher?

Mr. Goff.— No, sir; he has not brought the return voucher.

The Witness.— You did not ask for it; did you?

By Mr. Goff:

Q. Yes; if you look at your subpoena you will find it? A. Yes.

Q. You will bring that returned voucher here at 2 o'clock?

A. Yes, sir; all right; that is the only one you want, is it?

Q. Wait awhile; I think, Mr. Kelly, you have never had a fire, have you — or Mr. Ryan? A. Yes, sir; I have.

Q. Oh, by the way, you had; why Kelly — what was I thinking of; let me see that; how I get mixed up in names; what is the check for "\$50 to Kelly, the police officer" for? A. Well, I suppose that must be for something of the same principle.

Q. Something on the same principle? A. Yes.

Q. We will read this check, No. 95, July 20, 1893, "Mr. Kelly, police money, \$50?" A. Ha, ha! that's a pretty good joke.

By Chairman Lexow:

Q. That is a pretty serious joke; you have sworn here absolutely, under oath — A. According to my knowledge —

Q. You have sworn absolutely under oath here that you paid no policeman? A. No.

Chairman Lexow.— Or any police captains; and it is a very serious question on the fact, and these documents whether or not you perjured yourself on the stand. Now, Mr. Goff, will you continue.

By Mr. Goff:

Q. Yes, sir; you were speaking about fires, Mr. Ryan; have you had fires? A. I had.

Q. But your books were not destroyed? A. No, sir.

Q. Neither were the vouchers destroyed? A. No.

Q. You have vouchers? A. No.

Q. You have all the bank vouchers covered by these books for the last six years? A. I guess so.

Q. Now, Mr. Kelly, it is four minutes to 1 o'clock.

Senator Bradley.—Mr. Ryan.

Q. How I get that name Kelly mixed up; do you know Kelly, by the way? A. Yes; I have known him for 10 years.

Q. He was the wardman? A. He was the wardman; yes.

Q. In that precinct? A. Yes, sir.

Q. And you frequently send some wood and stuff to Kelly, don't you? A. I did; yes, sir.

Q. And that is as well as the \$50? A. The \$50; I never sent him that; I can not tell any different about that \$50.

Q. We will try and help you? A. I am telling my story conscientiously, as far as I know it.

Q. We will try and help you. A. I did not come here to croak anything.

Q. Will you please, now, go up to your place of business, and get all your vouchers down here by 2 o'clock; will you? A. Yes.

Q. The chairman of the committee, I so understand, so orders and directs; is that so?

Chairman Lexow.—That is right, Mr. Goff.

Mr. Goff.—And we will take an adjournment.

Chairman Lexow.—I want to tell the witness this, in addition, that this is not a joking matter at all; that this is a very serious matter; that any false oath upon the stand here is just as serious as in a court of law, and the penalty is the same.

The Witness.—Certainly. I am trying to do the best I can, as far as my experience goes.

Mr. Goff.—All witnesses under subpoena will report here at 2 o'clock promptly.

Chairman Lexow.—I would caution the witness not to speak to anybody about his testimony; you are now on the stand; you are a witness under subpoena.

Mr. Goff.—Inasmuch as Mr. Ryan is a witness, I think it would be proper to send one of the deputies of Mr. Schram up with him, so that no one will interfere with him. Mr. Schram, will you appoint one of your deputies?

Mr. Schram.—All right.

Morry Oswitz, called as a witness, and was duly sworn.

AFTERNOON SESSION.

June 29, 1894.

Present.—The Senators and counsel, as before.

Morry Oswitz resumes the stand as a witness on behalf of the State, and testifies as follows:

Direct examination by Mr. Moss:

Q. Where do you live? A. Seventy-seven Broome street.

Q. Seventy-seven Broome street? A. Yes, sir.

Q. Are you engaged in any business now? A. I am; yes.

Q. What business? A. Sewing machines.

Q. You have been a policy writer for some time, haven't you?
A. I have; yes.

Q. How long? A. For about a year.

Q. About a year? A. Yes, sir.

Q. Where did you write policy? A. I wrote them three different places.

Q. Whereabouts? A. The last place I wrote was 155 Ludlow street.

Q. What is the street — Ludlow? A. Ludlow.

Q. And the other place? A. One hundred and thirty-eight Delancey.

Q. Did you have the same boss at each place? A. Yes.

By Senator Bradley:

Q. Give the other place? A. One hundred and fifty-six Stanton street.

By Mr. Moss:

Q. Did you have the same boss at each place? A. No, sir.

Q. Who was the boss at the last place? A. There was a man of the name of Sam Freidberg.

Q. Sam Freidman? A. Sam Freidberg.

Q. And the places before that? A. The man of the name of Dimond.

Q. What was his first name? A. I could not say.

Q. And the other place? A. I was the boss myself there.

Q. You were the boss yourself? A. Yes, sir.

Q. Are Dimond and Freidberg still selling policy? A. I am not quite sure of Dimond, but I am positive of Freidberg.

Q. Where is Friedberg writing policy now? A. One hundred and fifty-five Ludlow.

Q. At the same place you mentioned? A. The same place; yes.

Q. One hundred and fifty-five Ludlow; were those policy shops backed by the same man? A. No; by two different men.

Q. Who were the backers? A. One backer is named Parker; the other I could not say.

Q. What place did Parker back? A. One hundred and fifty-six Stanton and 138 Delancey.

Q. And don't you know who backs the other place? A. No, sir.

Q. Have you any information on that subject at all? A. I could not say who the backer is of the other place.

Q. Who employed you? A. Sam Freidberg.

Q. Did you ever see anyone else at the place in control? A. I have seen some of the runners coming there; that is about all.

Q. Did you ever see Mr. Adams? A. No, sir.

Q. Do you know Mr. Adams? A. No, sir.

Q. How many customers would you have in a day in the last place? A. In the last place I had both drawings; I took in as much as \$80 a day some days.

Q. How many customers would that represent A. Quite a good many.

Q. How many, about?

By Senator Bradley:

Q. Approximate about how many? A. Say about 100 people coming in during the day.

By Mr. Moss:

Q. How was the store or policy shop situated; describe it, please, the last one? A. There was a candy-store in front of it, and there was a partition in between it, and a little window, and in the back room there was a policy shop.

Q. Did the policy shop have any real connection with the candy-shop? A. No, sir; nothing whatsoever.

Q. Was it a different person who controlled the candy-shop? A. Yes, sir.

Q. One of these places had a cigar-store in front of it? A. This is a cigar and candy-store.

Q. Cigar and candy? A. Yes, sir.

Q. At this last place you have spoken of on Ludlow street?

A. Yes.

Q. At the last place did you run with any concealment?

A. Yes; I did.

Q. How did you arrange about that? A. I was told by the parties, in case I got into any trouble they would see after it.

Q. What is that?

By Senator Bradley:

Q. You do not understand the question; did you try to hide it as much as possible?

Chairman Lexow.—No; that is not the question. What was the character?

By Mr. Moss:

Q. What was the nature of the method; in what way did you try to conceal the business? A. It was concealed.

Q. How? A. It was concealed; I was sitting by the window, and I was sitting there and saw everybody come in, and I would not let them in; there was a lock on the door, and there was a rope connected with it, and if I see anybody come I shut the door.

Q. Who were you afraid of? A. Afraid of the police.

Q. Did you have any of the police come in there and play?

A. I did; yes.

Q. Who came in? A. Policeman Beeck.

Q. Any other policeman? A. Not to my knowledge.

Q. You are sure of that? A. I am positive.

Q. You know all the policemen of Eldridge street station?

A. Not all, but some; this was the only one came in to play with me.

Q. What position does Beeck hold? A. He is a patrolman.

Q. How many times has Beeck been in there playing? A. Very often.

Q. Will you give some of the circumstances of Beeck's playing in your place? A. What do you mean "circumstances"?

Q. State some of the occurrences? A. He used to come in and ask for a play, ask for a certain three numbers of his favorite gig, what they call a gig; they made a play the first time he came there; he did not pay me for it, and I asked from

the boss, "How about this?" he said, "All right; if he comes in give him once in a while," and he came in so very often I got sick of it.

Q. What was your salary? A. Eight dollars a week.

Q. Do you mean to say Beeck never paid you for his gigs?
A. Never paid me for any of his gigs.

Q. Did he come in every day? A. No, sir; not every day.

Q. How many times a week? A. Sometimes once or twice a week; we used to have a general custom come in there in the cigar store, and sit behind the counter, and cigarettes, and he helped himself to whatever he liked.

Q. You say Beeck would help himself to cigars? A. Everything he liked.

Q. He came in and helped himself to policy gigs? A. Oh, yes; he did.

Q. Did he ever pay for any of those gigs? A. Never did; never paid for any of the gigs.

Q. If he won? A. He never won.

Q. You say that the gigs, or the price of the gigs, was taken out of your salary? A. It was; yes, sir; I had to suffer for it.

By Chairman Lexow:

Q. What was the value of a gig? A. Just according to what he wanted to play; 10 cents; sometimes more; sometimes less.

By Mr. Moss:

Q. About how much? A. Five or 10 cents an average.

By Chairman Lexow:

Q. Would he play one gig in one of these visits, or a number of them? A. One gig; that is all.

By Senator Bradley:

Q. Some of the senators would like to know what a gig is?
A. Three numbers is a gig.

Q. Four-eleven-forty-four? A. Yes; that is a gig.

By Mr. Moss:

Q. What was the policeman's gig; what number is that? A. Twenty-eighty-thirty-five-sixty-seven.

Q. That is a gig that policemen like to play, isn't it? A. They call it the police gig.

Q. Do you know whether policemen frequently play policy? A. I could not say that; I am not acquainted with very many of them.

By Chairman Lexow:

Q. How did you come to call that the police gig? A. I could not say; I don't know.

Q. Who told you it was the police gig? A. The people call it that way.

Q. What people? A. The people that come in and make the plays.

By Mr. Moss:

Q. There is a central place where they draw every day, isn't there? A. I suppose there is.

Q. Don't you know; isn't there? A. It must be.

Q. And the winning is according to the drawing in the central place? A. Yes, sir.

Q. And the people come in at a certain time in the afternoon and find out whether their gig is won? A. Yes; that is right.

Q. Now, you say you complained to your proprietor or boss about Beeck not paying for his gigs? A. Yes, sir.

Q. As the result of that complaint, did you say anything to Mr. Beeck? A. One day he came in and made a play, his favorite gig was 10-20-30, the gig — 10-20-30; and he came in and asked me to give him the gig; I said, "I want money; have you got any money;" he said, "Go on; never mind; give me the gig;" I said, "All right;" I gave him the gig, and when I gave him the gig I said, "C. O. D.;" he said, "If it comes out I will pay you, and if it don't, I don't;" I said, "If it don't I will scratch off the book," and scratched it off at once.

By Senator Cantor:

Q. How often did the gigs come out? A. There is 24 numbers drawn every day, and 26 every night; each three numbers combines the gig, but some of the gigs the people play very seldom come out.

By Mr. Moss:

Q. There are about 17,000 gigs? A. More than that, I believe.

Q. And a certain number come out every day, and if a man is fortunate enough to have one of the combinations that comes out he wins his number? A. Yes, sir.

Senator Cantor.—He says they never come out, the ones the people play.

By Mr. Moss:

Q. Go ahead and tell all your trouble with Mr. Beeck? A. One day Mr. Beeck came in and bought that favorite gig of his, and I would not give it to him, and I scratched that off the book, and had a scrap with him right there and then, and he said he would make trouble for me, and he did not come in for a good while; about three or four weeks later he came in; it was, I think, the 16th of March, and he made it good with the boys, and he was down on me, and said he was going to fix it for me; and he made a play, an Irish gig, and he displayed a lot of bills there, and he said he has got lots of money, and he put them in the stove; of course, there wasn't any fire in the stove, and afterward he said, "I will go fix you, if I get hold of you;" two or three weeks later he came in in citizen's clothes, and two or three more men.

Q. Were they policemen? A. No; one policeman and two of his friends; so I would not leave him in, because I was afraid he was in citizen's clothes, and would take me along.

Q. You thought if he was in citizen's clothes he might be dangerous? A. Yes, sir.

Q. And if he was in blue clothes you would let him in? A. I would leave him in; yes, sir.

Q. Why would you make that difference? A. I believed he was assigned to special duty to take me.

Q. You believed if he was in citizen's clothes it might be his duty to take you in? A. That is right; and then there was strict orders given not to let any officer in.

Q. Who gave you those orders? A. My boss did.

Q. That was a special order by your boss? A. Yes; not to leave anybody in; I knew no officer; it might be the best friend of mine.

Q. That was a certain day? A. No; after a certain day.

Q. What day was that? A. I could not say what day it was.

Q. Two months ago? A. It was the month of March, or first of April.

Q. Then you got strict orders? A. Yes, sir; something like that.

Q. This man came in with citizen's clothes, and two others with him? A. Yes, sir; I would not leave him in; I cleared everything I had of evidence, every green ticket, and sheets and manifold paper, and put everything away; and then I sat there waiting until he comes in; I would not be with him, and he broke the door open; he broke the door open, and said, "Now, I have got you;" I said, "All right; if you want me, I will go along with you;" and he said, "No; you can go right along with me;" and he took me by the collar, and wrestled me; he said, "Give me a gig;" I said, "I don't write policy to-day;" he said, "Go on and give me a gig;" and during that time my boss went out to get a wrench to fix the door, because he broke the door, and my boss gave him a laying out for doing this; he said he only wanted to scare me; that was all.

Q. Said he only wanted to scare you? A. Yes; that is all; so my boss said, "Go on; give him a gig;" I said, "No; I won't give him a gig, or 50 policemen like him;" he said, "Give it to him;" and I sat down at the table and got a plain piece of writing paper, and put down the beer gig for him.

Q. What was that? A. Four 16-21; I put that gig down for him; while I was writing he had a bull dog with him, and slung the bull dog over me twice.

Q. Slung a dog over your head? A. Yes; slung a live dog over my head; when I gave him that gig, he said, "I am going to do you up;" and he put out his arm and cut me every way, and said, "If I can get the best of him, I will get the best of you;" and he grabbed a hold of me with the wrench and hit a blow for me, and I dodged it, and he made a hole in the wall; that is right there yet where I was sitting; well, he got disgusted with me and he could not do anything with me, and walked outside.

Q. Didn't he arrest you? A. No, sir; he did not; my boss and his brother that keeps the candy-store ran behind the counter, and my boss was giving him a laying out while he was walking away; he had no business to do this; there was other people to pull him, and to take me along; it was not his duty to take me along.

Q. There were other people to pull you? A. No; my boss told him.

Q. Your boss told him there was other people to pull you? A. Yes; that is right.

Q. Who else was to pull you? A. The detective and wardmen, and it was not his duty to pull me.

Q. He meant he was a simple patrolman? A. That was all he did; he said, "I will get square of you;" and he went behind the counter and gave the other fellow the licking, and they fired bottles at him and smashed the doors and windows, and he did not take me or the boss, but the boss' brother, and took him down to the station-house; on the way going down he gave him a good licking, because he was bleeding on the way.

By Mr. Nicoll:

Q. Were you there; did you go to the station-house with him? A. I did not.

By Mr. Moss:

Q. You say he was bleeding; did you see the bleeding? A. Certainly, I did; people were saying he gave him three blows on the way.

Q. You saw blood on the prisoner? A. Certainly, I did; and he took him down to the station-house, and there was a charge of policy-writing, and that man had nothing to do with the policy shop; I was the man that wrote, and the boss of mine was the proprietor of the place.

Q. And the man that was arrested was the proprietor of the candy-store? A. That is right; I don't know who told him to take him down to the court, but it was the sergeant or captain; I didn't go to the station-house; so they told the policeman to take the man to court, and when he took him to court, he made a charge of assault.

Q. Was there a charge of policy-writing against him in court? A. No; in the police station-house.

Q. Do you mean to say at court it was changed to assault? A. Yes, sir; put assault because that man didn't have anything to do with the policy shop; so the judge told him to go and get witnesses; well, he went home, and in the afternoon, about 2 or 3 o'clock, I went down with the monkey wrench in my pocket, and the landlord went down to make a complaint about

the building and all others, a man from headquarters went down, and the wardman went down there, and some ward detectives were down at court, and they were discussing about the affair; it was all squared off like; I don't know how it happened; it was not called at all.

Q. That was the end of the case? A. That was the end of the case.

Q. Was anything said in court about it being a policy place? A. I could not say; I could not swear to that.

Q. Did they know it was a policy place? A. Why, of course they did.

Q. Did you go to the station-house at all? A. I never went to the station-house.

Q. Did you see Captain Cortwright? A. Yes, sir; Saturday, I did.

Q. Did Captain Cortwright know anything about a policy shop there? A. Not to my knowledge.

Q. Did you tell Captain Cortwright it was a policy shop there? A. I did; this Saturday; I told him the story.

Q. That is the same policy shop that is running now? A. Exactly

Q. You told him the whole story? A. I did; I tell you how; I am working in Jersey City-to-day, and on Saturday night I went home; it was very late; on the way going through the Bowery, I met Officer Beeck, and Officer Beeck caught sight of me, and came up to me, and said, "If I catch you again on the Bowery, I will put you away and give you a dirty licking besides that."

Q. That seems to be a favorite pastime? A. I went down to the captain, and asked the captain whether it was right a citizen could not pass the streets without being interrupted by the police; I told him I had been running policy at 155 Ludlow street, and had some trouble with Officer Beeck, and it was all squared off in court, and Officer Beeck saw me Saturday and threatened to lick me, and locking me up in the bargain; and the captain said, "Go ahead; I will attend to it;" I was not satisfied with the answer, and I walked down the Bowery to meet Mr. Beeck; I walked along the Bowery again, and Mr. Beeck came along and grabbed me by the shoulder and gave me a beating, and gave me a kick in the bargain, and called me all names, I won't mention the names that he called me, of course.

Q. That is not necessary; you have not seen Beeck since then? A. I have not; no, sir.

Q. Or Captain Cortwright? A. I have not; no, sir.

Cross-examination by Mr. Nicoll:

Q. What nationality are you? A. I am an Austrian.

Q. An Austrian? A. Yes, sir.

Q. How long have you been in this city? A. In this city? Well, I am here the second time; I am here two years; I have been here 13 years altogether.

Q. You came here from Austria? A. I did; yes, sir.

Q. In what year? A. I could not recollect what year at present.

Q. You came here the year you came to the United States? A. It was 1881 or 1882, I couldn't exactly say.

Q. What? A. Either 1881 or 1882.

Q. How old were you when you came? A. I was about 15.

Q. About 15; don't you recollect the year in which you came? A. No, sir; I could not exactly say the year.

Q. What was your occupation when you first came here? A. I went into a glass shop.

Q. A glass shop? A. A glass shop; yes, sir.

Q. Have you ever been in any other legal business besides policy? A. I have been in the glass business for about eight years; and I took sick and had to go to Europe or to Denver, Colorado; my lungs were affected by the glass work; I was working at memorial windows.

Q. Memorial windows? A. Yes; stained glass or lettered glass.

Q. When did you first take up the business of writing policy? A. When I came back from Europe.

Q. When was that? A. Not quite two years.

Q. Two years ago? A. Not quite two years; no, sir.

Q. Since that time have you been arrested? A. I have never been arrested and never been in court in my life with —

Q. You have been writing policy for two years? A. No; for about a year; a little over a year probably.

Q. For a little over a year? A. Yes, sir.

Q. Where did you learn to write policy? A. I had a friend who used to write policy at 138 Delancey street, and used to go in there to see him, and, of course, I had a little money, and it all went into the game.

Q. You used to play policy before you commenced to write it? A. I did; that is the way I got into the business; I can prove it to-day; I lost \$100 or \$150, and probably more, when I came from Europe.

Q. Writing policy? A. No; playing policy; and that is the way I got the job.

Q. You bought your own experience and learned to write it from experience in playing? A. No, sir.

Q. You did not? A. No, sir; I did not know what policy was before.

Q. I understand you to say you spent \$150 in writing policy? A. Not learning; playing.

Q. That taught you pretty well? A. No; it did not; I was green in the policy business when I was playing, and that is the way I lost so much money.

Q. You learned the business that way? A. Yes.

Q. And you say you were ignorant of the business at that time? A. I was; yes, sir.

Q. How long did it take you to become an expert in writing policy? A. Three or four months; to know all the numbers and so on.

Q. How many gigs are there? A. I don't know; I could not say; nor can anybody else say how many gigs there is in the game.

Q. There are other gigs besides the Irish gig, beer gig— A. There are thousands of gigs; any three numbers make up a gig.

Q. Tell us some besides the Irish and beer gigs? A. I made out three drawings.

Q. Well, there is the Irish gig, the beer gig, the police gig? A. The sick gig, and the monkey gig, and the working gig.

Q. Is that all you recollect? A. I know a lot of them, but can not remember them all.

Q. Is that all you recollect now? A. That is all I recollect now.

Q. Those five gigs? A. Those five at present; yes, sir; if I think of them I can count them off for you; if I can have a little time to spare, I can count the gigs off for you.

Q. I don't want you to give me the numbers of the gigs; I want you to give me the names of the gigs? A. Different names; for instance, everybody has a dream, and next morning they come in and tell them to the policy writer, and the policy writer gives them a gig for it.

Q. That gig is not named, is it? A. Yes; the policy writer names it, and if it hasn't any name, he gives him a name.

Q. Did you ever write a gig for a man that had a dream? A. I did; yes, sir.

Q. What did you call it? A. According to the dream he had.

Q. Tell us one case of a dream? A. I didn't have a dream myself; I couldn't tell you the dream.

Q. Can't you remember any other gigs, or the names of any other gigs besides the ones you told us? A. The working gig.

Q. The working gig? A. Yes, sir.

Q. What is that? A. 14-26-42; there is a Wednesday gig, too.

Q. There is a Wednesday gig? A. Yes, sir.

Q. And a Thursday gig? A. Yes; there is a book for it; the dream-book, that tells you what the dreams are.

Q. Now, what gig did the police officer that you have spoken of play? A. 10-20-30; the sick gig.

Q. That was the sick gig? A. That was the sick gig; yes, sir.

Q. Was that the only gig he ever played? A. No; he played different gigs; but that was the only one that was his favorite gig.

Q. That was his favorite gig? A. That was his favorite gig.

Q. I understand you to say the gig cost anywhere from five to 10 cents? A. You can play a gig for a cent, for that matter; but an officer, I suppose, would not pay any less than five or 10 cents.

Q. An officer would not descend to playing a gig for a penny? A. Yes, sir; he would be ashamed to play a gig for about two or three cents.

Q. So you say he played gigs from five to 10 cents? A. He did; yes, sir.

Q. And never put up anything? A. Not to my knowledge; I remember one time my boss gave him 10 cents to give me.

Q. With that exception, did he ever pay anything? A. Not to me.

Q. How many times had he been playing gigs free of charge without putting up anything? A. I believe he owes me about 68 or 70 cents now; probably more; I can not recollect.

Q. If it was 10 cents a gig, he would have played something about six times? A. Probably 10 times; I don't know exactly.

Q. What will you swear to? A. I will not swear he played gigs at 10 cents; he probably played them at 10 cents and probably played them at five.

Q. Don't give me any of your probabilities; if you don't know anything, you say you don't know it. A. I don't know it; I know what I am saying.

Q. If you have anything positive, swear to that; don't go into probabilities. A. I will.

Q. Now, I ask you what you swear as to the number of gigs the officer whom you accused ever played? A. I could not swear to that; how many times he played.

Q. You can not, sir? A. No, sir; I can not swear how many times he played.

Q. Can't you swear within certain limits? A. I could not swear.

Q. Will you swear he played five times? A. Well, yes; I will swear he played five times.

Q. You swear to that? A. Yes; I swear he played more than this.

Q. Will you swear he played six times? A. Five or six times, I will swear; yes, sir.

Q. You swear to that? A. Yes, sir.

Q. And at 10 cents a gig? A. No, sir.

Q. If that was the amount, that would be 60 cents? A. Not always the 10 cents; sometimes five.

Q. That would make the sum expended less than 60 cents? A. He probably played more times than six; but I would not swear; I will swear he played five or six times.

Q. You remember, all told, he incurred a liability of 60 cents; is that it? A. What is that?

Q. That he incurred a liability of 60 cents? A. Yes, sir.

Q. That is about it; and that is what you think he owes you, according to your notion of the gigs? A. Oh, yes; I will swear he owes me that much; if it is not more.

Q. Did he ever complain that he did not win? A. No; he never complained.

Q. He did not? A. No.

Q. So he never did win, did he? A. No; he never won of me; I never paid him out any money.

Q. So all the gigs that he played, amounting to six or seven gigs, he never won at all? A. Never won at all.

Q. And never complained that he did not win to you? A. Not to my knowledge he did not complain to me.

Q. Do you undertake to say that the officer felt indignant at you because you would not give him a gig? A. Well, he gave me a licking for that.

Q. Because you would not give him a gig? A. Because I scratched —

Q. What was the gig worth to him? A. It was worth \$10, if he won.

Q. He never won? A. Never won.

Q. And never made any complaint he did not win? A. Not to me.

Q. And yet, on that account he displayed resentment toward you, is that what you want us to believe; he showed anger toward you, because you did not give him a gig that he never won in his life? A. He showed anger toward me because I scratched the gig off in front of his face; I had too much gall, he said.

Q. He never won on a gig? A. Never did.

Q. Never complained about his not winning? A. Not to me.

Q. What object was there in his investing in a gig if he never won on it? A. I don't know.

Q. What? A. I don't know.

Q. You want us to believe that an officer became indignant at you because you refused to give him a gig, although he had never won on a gig? A. No.

Q. You want us to believe that was the origin of your difficulty with this police officer; is that true; was that the origin of your difficulty between you and the officer?

By Senator Bradley:

Q. Did that commence the trouble between you at the time? A. He was mad of me because I was too fresh toward him; I would not write for him without money.

By Mr. Nicoll:

Q. You want us to believe, because you refused to write for him a five or ten-cent gig, he never won, paying for it nothing, that he performed the various acts of violence which you have testified to here? A. Well, yes; I can prove it; I can prove it with witnesses.

Q. And feeling indignant toward you on that account, he proceeded to fire? A. Not to fire, but to hit me.

Q. Fire a wrench at your head? A. He did not fire it, but he tried to hit me with it.

Q. He gave you a licking in the store? A. Yes; in the back room.

Q. And licked two other men in the store? A. He did.

Q. Broke the window and door? A. Broke the window and door, and smashed the walls and windows.

Q. And subsequently pursued you in his rage on the Bowery where he gave you a licking again? A. Yes; this Saturday.

Q. And all on account of your refusing to give him a gig on which he had never won, and upon which he had never complained; is that it? A. He never complained to me that he did not win.

Mr. Nicoll.—That is all.

By Senator Bradley:

Q. Did you ever pay, yourself, to any police officer for protection, or ever see anyone paying any money to policemen for protection? A. No, sir.

Q. For carrying on the policy business? A. I never saw any body paying for it and never knew anybody paying for it.

By Mr. Moss:

Q. Every policy shop has a book of gigs, hasn't it? A. Well, it has a dream-book that tells the gigs.

Q. But there is a list of gigs in the books in the policy shop? A. There is a sheet of manifold, I guess.

Q. Don't they have a book with the numbers in that book for each policy writer, so that he can refer to it? A. They have.

Q. And there are thousands of those gigs in the book? A. Oh, yes.

Q. How many other policy shops were there in that neighborhood? A. There are a good many of them.

Q. How many? A. Right in the same street I know of about three, about two besides the one I was running in.

Q. In the same street? A. Yes, sir.

Q. And right around in the several blocks, how many would that be? A. About five or six.

Q. Were these shops all writing, as you was? A. All writing.

Q. You knew the people doing it? A. Not all; some of them I knew.

Q. And do you know how many policy shops were in operation in the city? A. About 500 or 1,000.

Q. In various parts of the city? A. Yes.

Q. Was your policy shop ever raided while you were there? A. Not while I was there.

Q. Was anybody connected with your shop arrested for writing policy while you were there excepting this arrest? A. No, sir; not in my place where I was working; my boss hired me for the reason he has been arrested often, because he did not want to write any more, because if they got him again, he would be sent away for a certain time.

Q. Your shop was not raided, while you was running it? A. While I was writing, it never was.

By Mr. Nicoll:

Q. Where did you say you are working now? A. No. 155 Ludlow street.

Q. In this city? A. Of course, in this city.

Q. What is your business? A. Now, I am in the sewing machine business.

Q. Sewing machine? A. Yes, sir.

Q. With what concern? A. I am over in Jersey; I won't mention the name of the concern.

Mr. Nicoll.—What is the name of the concern he is with? Senator Bradley.—He says he would rather not mention the name.

Q. Where do you live? A. New York city.

Q. Where? A. No. 77 Broome street.

By Chairman Lexow:

Q. Did you see this same officer with whom you had trouble going into these other policy shops you have spoken of here running in your office? A. No, sir.

Q. You did not see him going in there at all? A. No, sir; I could not, because I was busy all the time.

By Mr. Nicoll:

Q. You have stated here in answer to Mr. Moss that there was 500 or 600 policy shops in New York city?

Chairman Lexow.—A thousand, he said.

The Witness.—Probably more.

Q. How many have you been in? A. About 20.

Q. That is all the present knowledge you have? A. I can pick out more than those.

Q. I say that you have been in yourself? A. Oh, yes.

John Keresey, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. Wholesale liquor business.

Q. Where is your place of business? A. No. 85 Pearl and 52 Stone street.

Q. How long have you been in the business? A. About 15 years for myself.

Q. About the year 1888 or 1889, did the Wholesale Liquor Dealers' Association of New York come into existence? A. Yes, sir.

Q. Were you an officer of the association? A. Yes, sir.

Q. What office did you hold? A. First vice-president at that time.

Q. Who was president? A. William G. Ross.

Q. Mr. Ross was here yesterday, wasn't he? A. I understood so.

Q. Do you know the origin and the cause of that association of wholesale liquor dealers in New York? A. Yes.

Q. State to the committee the origin and cause of it; raise your voice a little, so we all will hear you? A. We found out through our salesmen reporting to us that the police department—the police of the city were selling whisky to our customers, called the Hollywood whisky, and we felt that the competition was so great in that line we could not stand it, and several of us got together, and we called the liquor dealers together, and so organized the association.

Q. The wholesale liquor dealers? A. Yes, sir.

By Chairman Lexow:

Q. The police were selling liquor? A. Yes, sir.

By Senator Bradley:

Q. They were acting as agents? A. Interesting their customers to buy it.

By Chairman Lexow:

Q. At individual sale? A. Yes; the wardman and the police; that was the general report; our salesmen would bring it into us.

Q. Making a business of negotiating the sale of liquor? A. Yes, sir.

By Mr. Goff:

Q. To the retail liquor dealers? A. The retail liquor dealers among our customers.

Q. Of that particular brand of Hollywood whisky? A. Yes, sir.

Q. Let us understand that this sale or these sales made by the police were not sales of whisky; didn't buy of a particular brand of whisky, called the Hollywood whisky? A. Yes, sir.

By Mr. Nicoll:

Q. Has he sworn to any sale by the police? A. They were not sales, but only through the influence of the police and wardman; that was the report.

By Mr. Goff:

Q. Were they acting as traveling salesmen for Hollywood whisky?

Mr. Nicoll.—He has not sworn to that; he has not said so; he said it was reported, as I understand.

The Witness.—Reported to us by our salesmen.

Mr. Nicoll.—I move to strike out as hearsay evidence.

(Motion denied; objection overruled.)

By Mr. Goff:

Q. You say that was the basis of the formation of the organization; was that true or not?

Chairman Lexow.—It may not be sufficient evidence to support the fact.

Mr. Nicoll.—I make it my object to make that objection with the expectation that it is going to be denied. The committee has ruled against me 999 times, if not more, on that subject; and I make it, because no man can sit here in the capacity which I am, without making a vigorous and constant protest against that line of evidence; but I do not wish to argue it or discuss it or take the time any longer.

Chairman Lexow.—It is not admitted for the purpose of proving that fact as a fact; you understand that.

Mr. Goff.—I wish to state, Mr. Chairman, that Mr. Tekulsky was here under a subpoena, and Mr. Tekulsky was kind enough to come to-day. I told Mr. Tekulsky he could go until recess. He was kind enough to come back after recess, and I now take pleasure in telling him he is now excused for the day as a witness.

Mr. Tekulsky.—I would like not to be excused. If I am wanted, I am here, and my name was brought up here yesterday, and I would like to have an opportunity to explain my position in reference to those books, and I think it is unfair to me to have me come here and be excused by the counsel—to be here for the purpose of being heard, and then excluded again and not probably called again.

Chairman Lexow.—You were subpoenaed because it was supposed some testimony would be elicited from you for the benefit of the committee. On the testimony it is deemed advisable not to be introduced here, not for the purpose of exculpating you yourself at all. I do not understand that any testimony needing that was given yesterday.

Mr. Nicoll.—No; there was no testimony inculcating Mr. Tekulsky.

Mr. Tekulsky.—I am satisfied of that, but there was an insinuation brought out here yesterday that my former evidence was not the truth.

Chairman Lexow.—There was no evidence supporting that insinuation, if that was made.

Mr. Tekulsky.—There is nothing supporting it and I understand I was corroborated in my evidence.

Chairman Lexow.—All the evidence showed yesterday was a very great curiosity on your part to ascertain what was in the minutes of the Liquor Dealers' Association books.

Mr. Tekulsky.—Yes.

Chairman Lexow.—That was all. You demonstrated a great curiosity after your examination to ascertain what was in the books.

Mr. Tekulsky.—I am as anxious to know what is in the books as anybody.

Chairman Lexow.—I don't think you will have to complain that you won't be examined. I think you will be examined before the committee adjourns finally.

Mr. Tekulsky.—I did not care whether I was or not, but I want to place my position right.

Chairman Lexow.—There wasn't anything to answer to.

Mr. Tekulsky.—I wish anybody on the committee that has those books, to take good care of them.

Mr. Goff.—I hope Mr. Tekulsky will keep his very good manners to himself, before he is called.

Q. In your trade, to your knowledge, were you in any way injured, or your custom interfered with or restricted by reason of the efforts of the police to introduce the sale of the Hollywood whisky? A. Yes, sir.

Q. You felt the effects of that in your own trade? A. Yes, sir; several of our customers complained they had to take it and did not want it; they would have preferred to buy from us.

Q. So far as the knowledge you obtained as a member of the 'Wholesale Liquor Dealers' Association, isn't it a fact that the members of the Wholesale Liquor Dealers' Association of New York were all so injured in their trade and custom by reason of the police interference in the sale of Hollywood whisky? A. Yes, sir.

Q. To the same extent that you were? A. Yes, sir.

Q. Do I understand you to say it was for the purpose of protecting yourselves against this competition, that you organized into this Wholesale Liquor Dealers' Association? A. That is what started us.

Q. Now, did that association take steps toward bringing the attention of the authorities to the interference of the police in behalf of the sale of Hollywood whisky? A. Yes, sir.

Q. What steps did they take? A. We immediately engaged a reporter, and he went to one of the leading avenues here—Third avenue—and brought back to us a report, a very good report we thought, and we promised to pay him for it; he informed us that he would not require any pay, as he could sell it to the newspapers.

Q. Did you take any further steps? A. Well, we found out then that the newspapers would not publish it as we wished, and did not publish it, with one exception, the Journal Commerce.

Q. The Journal of Commerce? A. They published it; we then immediately started this reporter, and started a paper of our own; we subscribed and started a paper of our own.

Q. Do you remember if the matter was brought to the attention of the mayor of this city at that time? A. We had a committee wait on the mayor.

Q. On that subject? A. Yes, sir.

Q. Were any police official mentioned particularly in connection with the sale of this Hollywood whisky? A. Well, it was only rumors around.

Q. Was that the common rumor in the association? A. Well, the rumor was that Inspector Williams was interested.

Q. In Hollywood whisky? A. Yes.

Mr. Nicoll.—I move to strike it out.

Mr. Goff.—Well, we will see whether that will be stricken out, if we can not connect it afterward; if we can not connect it.

Chairman Lexow.—You make your motion to strike it out afterward, if you don't connect it.

Q. Did you take any further steps toward bringing the matter before the attention of the public authorities? A. I believe we got a bill up; I really forget now; we have taken so many of those steps that I forget that; it is quite a time ago.

Q. Do you remember going to Albany? A. No, sir; I did not go.

Q. You did not go to Albany? A. No.

Q. Do you remember a committee being appointed to go to Albany to lay the matter before the Legislature? A. I remember, sir.

Q. And do you remember a memorial was drawn up by your association, which was presented to the Legislature? A. I think that was done; yes.

Q. Now, I hand you this paper, that I will call a pamphlet for the present, headed "The Police as Liquor Sellers," and ask you to look at it. A. Yes, sir.

Q. Is that the memorial adopted by your Wholesale Liquor Dealers' Association, and presented to the Legislature of the State of New York? A. I believe so.

Mr. Nicoll.—In what year?

Mr. Goff.—Eighteen hundred and eighty-nine.

The Witness.—That was the report that the reporter brought back to us; it is embodied in there.

Mr. Goff.—Yes; February 14, 1889.

Q. This report is signed by William G. Ross, president; he was president of your association at that time? A. Yes.

Q. And by Mr. Boegler as secretary? A. Mr. Boegler.

Q. Is he in court to-day? A. He was this morning.

Q. Is Mr. Boegler in court. (No answer.) And by Mr. William A. Tyler as treasurer; he was treasurer of your association at that time? A. Yes.

Q. I call your attention further to the names of the officers of your association; I will read them, and ask if they are correct; "Officers, William G. Ross, president; John Keresey, first vice-president; Justus Oesterlein, second vice-president; William M. Tyler, treasurer; Ferdinand Boegler, secretary; trustees, Peter McQuade,* James Lauchheim, Richard Hunt, Max B. Stern and Louis Steinhardt." You recognize those as officers and trustees of your association? A. Yes, sir.

Q. And it sets out the name of your membership here? A. Yes, sir.

Mr. Goff.—Now, I will read this, gentlemen.

Mr. Nicoll.—I object to it, on the ground that it is all hearsay, and an attempt to introduce hearsay evidence of facts which counsel, himself, professes to believe can be proved by the witness.

Chairman Lexow.—I do not understand counsel offered this for the purpose of proving facts—the statements therein contained; but simply as showing the committee the necessity for organization on the part of this association.

Mr. Goff.—Yes; and upon which we will show legislation was founded.

Chairman Lexow.—Do you mean this to be spread on the minutes?

Mr. Goff.—Yes, sir. "The Wholesale Liquor Dealers' Association of the city of New York beg leave to submit to the Legislature the following statement of facts, showing the unlawful acts of certain public officials in the city of New York, in pushing the sale of a certain brand of liquor among retail dealers in said city, and prays respectfully that a legislative committee be appointed to investigate the charges here preferred.

"The report here subjoined and headed, 'The Police as Liquor Sellers,' was prepared in July, 1888, by a gentleman employed by us to investigate the matter. It gives the result of his investigation. We have since that time taken pains to verify this report.

"Here it is: The Police as Liquor Sellers. A combination which enjoys special advantages. Saloon-keepers scared and loath to speak about the 'combine.'

"That the whole excise question in this city is in a muddle goes without saying. The present laws regulating the sale of intoxicating liquors are satisfactory neither to the saloon-keeper nor to the consumers. There is, however, one branch of the city government, to which these very laws offer all the benefits and emoluments of a bonanza. The excise laws in their present mode of execution seem to have been specially enacted for the purpose of affording police officials an opportunity to work them as a gold mine. Even a superficial investigation offers abundance of evidence of the corruption in the body politic, produced and fostered by these very laws.

"Here is what the special grand jury, which has just taken a recess until September 24th, in their report to Judge Barrett, last Thursday, said on this subject:

"The grand jury have positive evidence that the excise law is openly violated by some who have long done so with impunity. This would not seem possible without collusion between the guilty parties and those who should maintain the law, but the grand jury have not yet been able to fix to their own satisfaction the responsibility for the non-execution of the law, although they have no questions to the fact.' Continuing on the grand jury:

"Nothing shall be said here of the blackmail which is being notoriously and systematically levied upon many saloon-keepers for the privilege to keep open on Sundays, or to sell beer and liquor after 1 o'clock in the night. Not satisfied with the revenues which the liquor traffic thus yields to those who are intrusted with the power to look after the proper enforcement of the laws, their energy and enterprise seem to have been turned lately into other directions, which promise to make more profitable still the sale of intoxicants. The hush money paid for the privilege of keeping open on Sundays, or for immunity from punishment for other violations of the excise laws, comes direct from the saloon-keepers and retail dealers. But a method has been devised by which the wholesale liquor dealers are made to feel the power of the police over the liquor traffic.

"A partnership or association has been formed to sell whisky and other liquors to the saloon-keepers. This association calls itself the Hollywood Company, and has offices on lower Broad-

way. Bradstreet's report of it says: 'The Hollywood Company is not an incorporated company, but a mere partnership or association, and it is reported that Police Inspector Williams has an interest in the concern.'

"This report of Bradstreet's is borne out by the great interest which certain police officials have taken in the sale and disposal of the Hollywood whisky and in the effort to build up a profitable trade for this brand of spirits. Police captains and ward detectives have found time to introduce the 'drummer' of the company to the various saloon-keepers of their precincts with special recommendations of the excellence of the beverage offered, and of the high favor with which its sale is regarded at 'headquarters.' With the prospect of implied police protection dangling before the eyes of the saloon-keepers, it was, of course, an easy matter to build up a profitable business, and the Hollywood Company is said to be in a highly prosperous condition, yielding large profits.

"The saloon-keepers are very reticent on the subject for fear of incurring the displeasure of the police by talking about these whisky deals. Many of them have bought the stuff, for the association has spread its net over the whole city. All those who have bought the Hollywood whisky admit that the purchase of it has turned out a good thing for them, for they have not since been troubled by the police for violations of the excise laws. Some of the saloon-keepers who do not buy 'blended' whisky, but who blend the whisky they sell themselves, have, nevertheless, bought a few barrels of the Hollywood blended stuff 'simply to please the police.' They have stored the barrels in their cellars and do not propose to open them." Then follows a report of a number of retail liquor dealers, their statements of how they have been coerced into buying the Hollywood whisky, which I will not take the time of the committee to read. The memorial goes on to state: "It is but proper to say that a secret and ex parte investigation of the charges here preferred against the police was made by the police authorities themselves. The report, 'The police as Liquor Dealers,' in some way reached Mayor Hewitt, who referred it to the police commissioners for investigation, who in turn referred it to Superintendent Murray. The seven saloon-keepers quoted in the report, that is the saloon-keepers whose names I have skipped, the seven saloon-keepers quoted in the report were requested to appear before Superintendent Murray, and were

there made to sign affidavits, which had been prepared beforehand, stating that they had not been 'coerced' by the police into purchasing Hollywood whisky.

"All but one of these seven saloon-keepers, when cited before the superintendent of police, tremblingly signed the affidavits, which the police, in their own vindication, had prepared beforehand. One of the seven who refused to sign that remarkable affidavit, told Superintendent Murray plainly that he meant to tell the truth and nothing but the truth before a proper tribunal, and that he would not perjure himself for the purpose of whitewashing the police. He was thereupon in a commanding voice bid by the superintendent to go back to his saloon.

"It is needless to say that an investigation of the charges here preferred by the accused party itself, is of no value whatever. These charges, if they shall be properly disposed of, should be heard and investigated by a tribunal which is impartial, and in which neither the accuser nor the accused shall have a special representation. For it must be borne in mind that the corruption here charged against the police does not involve simply some subordinates of the department, but has pervaded the whole force from top to bottom.

"In support of this statement, we beg leave to quote an authority well informed in such matters, whose competency to judge in matters pertaining to our municipal affairs will not be disputed by all fair-minded citizens of this city." Then follows a quotation from an address or speech from Mayor Hewitt, under date of November 1, 1888, which I will not read to take up your time.

"Since the report, 'The Police as Liquor Sellers,' was obtained, a mass of other corroborative evidence has been secured by this association, bearing on the same subject, by our members doing business in this city, which will be presented to your committee in due time.

"Conceding the fact to be that police officials are interested, pecuniarily or otherwise, in furthering, and do actually further the sale of liquor of any particular house or company to retail dealers, over whose business they have, by virtue of their office, to a very large extent, supervision and control, it needs no argument to prove that such a practice is a scandal and an outrage, having a tendency to destroy all legitimate competition among all interested in the wholesale liquor trade.

"Our association, whose membership list is hereto attached, represents a capital of over \$14,000,000 invested in our trade. Its members contribute largely in the payment of taxes toward the maintenance of our government. We are law-abiding citizens, but we protest against this unlawful and scandalous interference with our trade by the police, and respectfully petition the Legislature to investigate the charges here preferred.

"The Wholesale Liquor Dealers' Association.

"W. G. ROSS,
"President.

"F. BOEGLER,
"Secretary.

"WM. A. TYLER,
"Treasurer."

Then follows a list of the members of the association, the various firms, and their addresses.

By Chairman Lexow:

Q. What is the name of your firm, Mr. Keresey? A. John Keresey and Company.

Cross-examination by Mr. Nicoll:

Q. What brand of whisky do you manufacture? A. Sir?

Q. What brand of whisky do you manufacture? A. We do not manufacture it; we are jobbers; we put up private brands of our own.

Q. And do you give them names? A. Yes, sir.

Q. What are some of the names of your brands? A. "David Clay," "Private Stock," "J. C. Worrell."

Q. Now, the Hollywood is a whisky that is manufactured, is it not? A. Yes, sir; it is what we call a blended whisky.

Q. Where is it manufactured? A. I could not say; I think it is on lower Broadway it is blended.

Q. What? A. I think it is blended in lower Broadway; I could not say positively.

By Senator Bradley:

Q. Where is it manufactured, he said? A. It is hard to say where it is manufactured; it is several whiskies put together, sometimes.

By Mr. Nicoll:

Q. It is known as a pure and favorite brand of whisky of people who indulge in whisky drinking? A. It was unknown until this time.

Q. I say it is a favorite brand of whisky? A. I don't know; it is a favorite with some, may be.

Q. It is an exceptionally pure whisky, isn't it? A. I could not state.

Q. Have you never tasted any Hollywood whisky? A. Not to my recollection.

Q. You never have tasted it? A. Never, to my recollection.

Q. Then you are unable to state whether or not the Hollywood whisky having an extensive sale? A. Through the influence — could not state.

Q. And for all that you may know the Hollywood whisky is the purest and smoothest brand in the market? A. Yes, sir.

Chairman Lexow.—Supposing it is the best in the world, how does that alter it, Mr. Nicoll?

Mr. Nicoll.—If we have got to drink that we should use the best.

Q. All whisky is good whisky, isn't it? A. As a general thing.

Q. There is some whisky that is better than others? A. Yes, sir.

Q. Now, I understood you to say that you gentlemen who manufactured some other brands of whisky found fault with the popularity of the Hollywood, is that a fact? A. No, sir.

Q. Because it was popular? A. I did not so state.

Q. Isn't it a fact you did find fault with the Hollywood whisky having an extensive sale? A. Through the influence —

Q. Through whatever medium?

Mr. Goff.—Let the witness continue.

Q. You were going to say through the influence of the police force? A. That is what you objected to.

Q. You did find fault with the fact that the Hollywood whisky, through whatever influence, had a large and extensive sale? A. At the time; yes, sir.

Q. And it was because the sales of the Hollywood whisky was injuring your business and other gentlemen that you formed your association? A. That was one of the main causes of the influence of selling it.

Q. Now, you have heard Mr. Goff read this memorial, addressed to the Legislature, of the city of New York in 1889?

A. Yes, sir.

Q. In 1889, both branches of the Legislature were Republican, were they not? A. I couldn't say positively.

Q. You know the Senate was, don't you; and the Assembly — I think that is of historic record — both branches of the Legislature were Republican? A. I am not posted well enough in politics for that; I suppose so.

Q. Don't you recollect that as a fact? A. I couldn't say positively.

Q. You can not state that? A. It is likely it was.

Q. And in 1888, when all of these facts which Mr. Goff has read from this memorial were known to your association, the mayor of the city of New York was Mr. Hewitt? A. Yes, sir.

Q. Did the Legislature pay any attention to this memorial; did they appoint a committee as requested? A. No, sir; not that we heard of.

Q. They did not; did you lay these facts before Mr. Hewitt? A. We did not, directly.

Q. Why did you not lay these facts, as they are collected in this memorial, before the then mayor of the city of New York? A. Well, the fact of the matter is that we got a little timid at that time; we found out what the influence of the police was.

Q. Timid of whom? A. The police.

Q. I am not asking you anything about the police; I ask you why you did not lay these facts before the then mayor of the city of New York, Mr. Hewitt; you did not believe he was under the influence of the police, did you? A. We were advised, but we did not do it.

Q. Advised what? A. We were advised to lay before the mayor, but we did not do it.

Q. Why not? A. Because we were afraid.

Q. Afraid of what? A. Of the police.

Q. Afraid of the influence of the police on the mayor? A. No; on our own business.

Q. Had you no confidence in the mayor of the city of New York? A. We did, sir.

Q. If you had confidence in the mayor, why did you not lay this collection of evidence before him in order that he might investigate it? A. I believe we did send it to the committee.

Q. What? A. I understood he had a copy of that before him.

Q. You did lay it before him? A. Indirectly, I say.

Q. Did you ever send a committee of your organization to the mayor of the city of New York with the facts that you had collected, and ask an investigation from him? A. No, sir.

Q. Did you suppose the Legislature was afraid, too? A. Well, we didn't know.

Q. Then, why was it the Legislature did not pay any attention to these facts? A. I can't say.

Mr. Goff.—They did; they passed—

Mr. Nicoll.—No investigating committee was appointed.

Mr. Goff.—They passed, at the Legislature the following year, a law that compelled all police officials to make an affidavit that they were not interested in the sale or manufacture of any whisky, wine or beer; and Inspector Williams refrained from taking the affidavit until the last day required by the statute to take it.

The Witness.—That is a fact.

Mr. Nicoll.—Now, Mr. Goff has helped you out.

Mr. Goff.—No; I helped you out.

Q. We will go on with another branch; I understood you to say the first business you did after you got together in 1888 was to engage a reporter? A. Yes, sir.

Q. Did you engage him as a detective? A. Only to go around and find out who was buying the Hollywood whisky.

Q. And you engaged him as a detective? A. Reporter and detective; he was a reporter.

Q. But he acted for you as a detective? A. Yes, sir.

Q. You engaged him to get information and have it published in the newspapers? A. Yes, sir.

Q. Did he get information? A. Yes, sir.

Q. Did he offer it to the newspapers? A. Yes, sir.

Q. All the great journals of this city, with the exception of some commercial paper—financial paper—called the Journal of Commerce, refused to have anything to do with it and publish it? A. So he reported to us.

Q. You believed him, didn't you? A. Yes, sir.

Q. During 1888, you knew that the learned counsel of this committee was first assistant district attorney, and often acting district attorney of this county, did you not? A. I was not so posted.

Q. What? A. I was not so posted.

Q. Weren't you familiar enough with the government of this city to know Mr. Goff was then assistant district attorney — John Goff? A. Not at that time; I did not take much interest in politics.

Q. Didn't you take enough interest to know who the mayor was? A. Yes; I knew who was the mayor.

Q. Or the district attorney? A. I could not say who was district attorney at that time.

Q. Anyhow, you did not lay any of these facts before him or before any grand jury, did you? A. No, sir.

Q. And although a grand jury met in this county every month for a number of years, in 1888, 1889 and 1890, you never laid the facts before the district attorney, or the grand jury, did you? A. No, sir; not to my recollection.

Q. And you hadn't much confidence in your facts, had you? A. Oh, we had confidence in the facts.

Q. Didn't you have confidence in the grand jury? A. Well, I suppose it never struck us about the grand jury.

Q. Didn't you have confidence in the district attorney and his able assistants? A. The same answer.

Q. It never struck you? A. I never had an idea about doing that.

Q. What? A. It never rose in the association — the question.

Q. And with all the functions of government in this city during 1888 and 1889 — mayor, district attorney and able assistants and grand jury — you never laid these facts before any of them? A. No, sir.

Q. You have no knowledge as to any interest by Inspector Williams in any Hollywood whisky, have you? A. No, sir.

By Mr. Goff:

Q. You have heard of my friend, Mr. Nicoll, didn't you? A. I heard of him; yes.

Q. And you remember when he laid down the cares of office as assistant district attorney of this county before 1889, don't you? A. I could not tell.

Q. About? A. No, sir.

Mr. Nicoll.— Before 1888.

Mr. Goff.— If it was before 1888, it was before 1889.

Mr. Nicoll.— Yes.

Q. You know Mr. Nicoll bore a reputation, and deservedly bore a reputation as a gentleman who was always ready and

willing and able to prosecute those who violated the law, didn't you? A. Yes.

Q. Did it ever occur to you in your association that it was a wise thing to retain Mr. Nicoll to prosecute the police for interfering with your business? A. No, sir.

Q. That didn't occur to you either? A. No, sir.

Q. And did it occur to you up to the present moment that our not only able and distinguished, but handsome, antagonist at this bar was such a good judge and experienced taster of Hollywood whisky, as he has shown himself to be, by this question? A. It never occurred to me.

Q. And I presume you have no suspicion in your mind that Mr. Nicoll is interested in the sale of this Hollywood whisky by bringing out these particulars? A. No; I don't think so.

Mr. Goff.—No; I don't think so either.

James Lonchein, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. I see your name here as one of the trustees of the Wholesale Liquor Dealers' Association; is that correct? A. Yes, sir.

Q. Were you interested in the formation and organization of this association? A. I was.

Q. And what was the object of the association; what brought it into existence? A. The object of the association starting was for the purpose of protecting the wholesale dealers against the sale of this so-called Hollywood whisky.

Q. Was it against the sale of the whisky, or against the manner in which it was sold? A. I presume it was the manner.

Q. Tell the committee what the manner was? A. Well, on that score, I have no immediate knowledge myself.

Q. What was the knowledge of the members of the association as an association?

Mr. Nicoll.—Objected to.

Mr. Goff.—We have admitted that before, sir.

Mr. Nicoll.—What was the knowledge of the association, as members of the association? He is asking him now what is the knowledge of other persons.

Mr. Goff.—I am asking now what is the knowledge of the association.

Chairman Lexow.—Upon what facts was the organization of this association based?

By Mr. Goff:

Q. I accept that question; upon what facts that came to your knowledge, or about which you were informed, was this association based? A. Several gentlemen—I think Mr. Peter McQuade, Mr. Keresey, I think Isaac Sommers, and I think one or two other gentlemen formed the Wholesale Liquor Dealers' Association—called a meeting of a few gentlemen at the Stevens House, charged with the purpose of forming an organization to protect the wholesale liquor dealers in an abuse, as they called it, of the police department in forcing the trade to buy a certain brand of whisky; I had no knowledge of it myself; but, being invited to be present, I was selected as its secretary, and invited to draw the constitution and by-laws to govern the association; the membership, at that time, I think, was about 10, perhaps 12; when the draft of the constitution and by-laws was submitted to the trade in general, nearly all the prominent wholesale liquor dealers became active members, and the object, as stated, was for the purpose of getting remedial legislation to protect their interests.

By Chairman Lexow:

Q. Against the police? A. Against the system of forcing the trade to buy their goods.

Q. I mean, the sole object of the organization of that association was to protect yourself against the police? A. Yes, sir; that was my understanding of it.

By Mr. Goff:

Q. Were you sent to Albany as one of the committee in reference to this matter? A. Yes; I was sent to Albany as—there were five sent; about three went to lay this matter before the judiciary committee of the house.

By Chairman Lexow:

Q. Of the Assembly? A. Of the Assembly; yes, sir; this was in the fall of 1888; we met the committee, and I opened the argument before the committee and set forth the objects of this visit; I do not think we were kept by the committee over an hour or two, when Judge Green, of Orange, after the close of the hearing, asked us to draft a bill, of such a bill

as we desired to have presented to the Legislature; I think it is of Orange.

Senator Bradley.—Yes; he is of Orange.

Q. In 1890?

Chairman Lexow.—In 1890, didn't the Legislature pass an act prohibiting the police force—

Mr. Goff.—1890?

Chairman Lexow. — 1889.

Senator O'Connor.—And afterward they passed such a bill as they asked.

Mr. Goff.—Yes.

By Senator O'Connor:

Q. That is, you remember, a bill was, after the presenting of this memorial, a bill was passed prohibiting the police officials being interested or interfering with the sale of liquors? A. I am not positive whether it was before the presenting of the memorial; I know it was after our hearing before the committee.

Mr. Goff.—The record shows it was in the session laws of 1890.

John L. Martin, called as a witness on behalf of the State, being duly affirmed, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. Sailmaker.

Q. And where is your place of business? A. Forty-two South street.

Q. In this city? A. Yes, sir.

Q. Now, in your place of business, haven't you flying from your window a banner or flag advertising your business? A. Yes, sir.

Q. From one of the upper stories? A. Yes, sir.

Q. Over your store; and will you describe that to the committee, if you please? A. I have a banner there about six feet long, probably four feet deep, with my name, and my business on it.

Q. Your name? A. My name and business.

Q. Then this banner is suspended from a flag pole, is it? A. Yes, sir.

Q. Made of canvas, I presume? A. Yes.

Q. A flag pole runs out straight from the window? A. Yes, sir.

Q. And this banner falls from that flag pole? A. Yes, sir.

Q. And how far does the flag pole run out from the window? A. About seven feet.

Q. And how high above the sidewalk? A. Well, about 40, I should say.

Q. So it does not interfere at all with anyone passing by? A. No, sir.

Q. And does not interfere with your neighbor in any way? A. No, sir.

Q. Have you had to pay the police for the privilege of hanging out this little banner from your window? A. I have, sir.

Q. And how long have you had to pay the police for that privilege? A. Well, directly, I never paid them but once; indirectly, I paid them probably 10 or 15 times.

Q. Did you pay them every year, sir? A. Yes, sir.

Q. Every year; so that would be 10 or 15 years? A. No; I should say—yes; I should say about 10 years.

Q. How much have you paid per year? A. All the way from \$3 to \$5.

Q. From \$3 to \$5; and who has collected the money, Mr. Martin? A. I paid the policeman once myself.

Q. The policeman on the patrol? A. No; he was not on patrol.

Q. Was it a wardman? A. It was a man called; I do not know whether he was a wardman or anything else; all I know is, he was a policeman.

Q. What did he say? A. He wanted pay for hanging out the flag; if I did not pay for it, I was fined; I was fined twice in one summer, the year Cleveland was running for President; each fine cost me \$7.50.

Q. Fined twice? A. Yes, sir.

Q. And each fine \$7.50? A. Yes, sir.

By Mr. Goff:

Q. That was the first time Cleveland ran for President, wasn't it? A. No, sir; the last time.

Q. Whenever you paid were you fined or troubled by the police? A. No.

Q. You were not? A. No, sir.

Q. When you did not pay a policeman directly, who did you pay? A. Well, I would leave it sometimes in my shop, and

my foreman would probably pay him if he called, and another time there was a man below that used to be there; he is dead now, and I would leave it with him.

Q. You are acquainted with a number of men engaged in the same trade as you are, sailmakers on South street? A. Yes, sir.

Q. Is it not a matter of common occurrence among the men engaged in that trade to pay in a similar way that you have paid? A. That I could not say positively.

Q. I know; not of your own knowledge; haven't you? A. Hard to state; I have heard the remarks, but I do not know personally.

Q. You did not see the money passed; but isn't it a generally understood thing among the men, among the sailmakers?

Mr. Nicoll.—Objected to.

A. One wouldn't tell the others.

Mr. Goff.—I ask those questions particularly of this witness, Mr. Chairman, because Senator O'Connor asked such a pertinent question yesterday, as to whether there was anything in New York which the police did not tax. This was something new, and I thought I would treat the Senators to something novel.

Cross-examination by Mr. Nicoll:

Q. Where did your banner hang? A. Out of the fourth-story window.

Q. Did it stretch across the street? A. No, sir.

Q. Did it hang on a pole? A. It hangs on a pole out of the window, and a wire rope over the top of the roof, hung on guides.

Q. It hangs out of the window, and the wire going to the roof? A. No; it hangs from the top of the roof.

Q. From what window does the pole extend? A. In the middle window.

Q. In what story? A. Fourth story.

Q. Now, to hang a banner of that sort, you have to have a permit, don't you? A. What?

Q. You have to get a permit? A. We can get a permit for a sign two feet long; our city officials are very liberal, you know, and they give us a sign two feet long on a permit, and who can read a sign 35 or 40 feet high, two feet long.

Q. You will have to put that conundrum to someone else? A. Your sight is better than mine; I am 70.

Q. They did not give you any permit for the banner? A. No, sir.

Q. And you wanted to hang the banner out without a permit? A. No, sir; I had been there to the City Hall for a permit, and I could only get a permit for two feet.

Q. You wanted to hang a banner without a permit? A. We wanted to hang a banner anyway; we wanted it as a sign.

Q. You wanted to hang a banner out there without a permit, if you could not get one? A. Yes, sir.

Q. You knew, when you hung the banner out there, it was against the law, didn't you? A. Yes.

Q. And, knowing that it was against the law to hang the banner, you were willing to pay the police officer not to make arrests; that is it? A. When I first hung it out, I did not think anything about the police at all.

Q. When you did pay—at the time you gave him \$3, you were willing to pay him not to make the arrest or complaint? A. Before I knew about the police, my sign was out there over a year before I was asked to pay anything.

Q. Answer my question, please, so as not to take all the afternoon on this one phase; I say you wanted to hang out your banner? A. Yes, sir.

Q. You knew it was not lawful? A. I knew it was not lawful to have that size.

Q. You were willing to pay the police officer not to make an arrest? A. I did not make a request of the police officer; I paid him that not to be fined.

Q. Not to make a complaint; wasn't that it? A. Yes; exactly.

By Chairman Lexow:

Q. To permit you to violate the law? A. That is it.

By Mr. Nicoll:

Q. To permit you to go on violating the law? A. Yes, sir.

Q. Did you continue to do that? A. Yes, sir; I have, ever since.

Q. Now, you say you paid one police officer \$3? A. I say I paid one policeman \$5.

Q. What year was that? A. That was last year; that is the only time I ever paid a policeman personally.

Q. Eighteen hundred and ninety-three? A. Eighteen hundred and ninety-three.

Q. It was in 1893 you paid him \$5? A. Eighteen hundred and ninety-three.

Q. Eighteen hundred and ninety-three? A. Eighteen hundred and ninety-three.

Q. Did you ever, yourself, pay a policeman before that? A. No, sir.

Q. Did you ever have, until 1893, any conversation with any police officer in relation to payment of money? A. Yes; when I was fined twice, the year Grover Cleveland was put in; then I was fined twice in one summer; then I made a little bit of a kick, and claimed it was carried higher; that, being a Democrat, and I supposed the policemen in New York were Democrats, I thought it queer they should fine a Democrat.

Q. Did you think they had any more rights, in regard to violations of the law, than the Republicans? A. No.

Q. You did not mean that seriously? A. No.

Q. I say, did you ever, yourself, have any conversation on the subject of money with a police officer, except this \$5 transaction in 1893? A. I had a talk with a man once when I was fined twice, and he told me I could settle it with the police.

Q. Did you pay him any money? A. No; I say I only paid one man once.

Mr. Nicoll.—That is all.

By Senator Bradley:

Q. Did you know that police officer? A. No; I do not.

By Chairman Lexow:

Q. You don't know his name? A. No.

Q. You would know him if you saw him again? A. I don't think I would; I know he was a red-headed man.

By Mr. Goff:

Q. You have stated, when you were fined, you had a conversation with a policeman; what was that conversation? A. Well, I asked him if there wasn't some way I could settle it without having to go to court about it, and he told me where I should go to settle it up; that was the first time I was fined; and I went up in Beekman street, and there I settled my fine, and it cost me \$7 and some odd cents.

Q. The corporation attorney's office? A. Yes; and it wasn't only about — I happened to be out of the city a short time, and I was fined again, and my foreman settled that.

Q. You have stated you had your little banner out for a year before you thought of the policeman? A. Yes, sir.

Q. How was the policeman brought to your knowledge in connection with the hanging out of this little banner? A. Because I was fined.

Q. Who was it suggested it to you that you could get rid of paying a fine by paying the police, simply? A. I got that by a gentleman who is now dead and gone, and he told me how I could get clear of it.

Q. Who was the first policeman you saw in reference to it? A. I only saw a policeman, but this time I told you about it.

Q. As soon as your friend that is dead told you how to get rid of it, you made your little donation? A. I sued to pay the money to him, and he paid the police, I suppose.

Q. But you did pay it to him? A. Yes, sir.

Q. And the matter was arranged? A. And the matter was arranged.

Benjamin Moore, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Is Mr. Moore your name? A. Yes, sir.

Q. What is your business? A. Sailmaker.

Q. Where are you engaged in business? A. Twenty-seven South street.

Q. Did you have a little flag or banner hanging from one of the windows? A. We have a banner runs right straight out from the third-story window.

Q. About what are the dimensions of it? A. It runs about eight feet, I should think.

Q. Does that include the flag pole? A. The pole runs a little further than that.

Q. How high is that above the sidewalk? A. I suppose the bottom of the banner, about 30 feet.

Q. And on this flag or banner is your business, I suppose? A. Yes, sir.

Q. Your name, sailmaker? A. Yes, sir.

Q. How much did you pay the police for hanging that out?

A. I have been there for a good many years; I used to get a permit for it, and years ago—I have been in the building 28 years—and I used to always get a permit; twice I did not get a permit, and I kept it hung out, and they fined me three or four times, and I got a gentleman to go and get the fine off, a friend of mine; and at last the policeman came around some three years ago, and said he could arrange it for me if I would just give him a small donation.

Q. Did you give the small donation? A. I did, for the last three years, except this year, he hasn't had any.

Q. How much did you give? A. Five dollars.

Q. Five dollars each time? A. Yes.

Q. Now, when you commenced to make these small donations, you were not troubled afterward by these police? A. No; I was not troubled afterward.

Q. You are acquainted in the trade down there? A. Pretty well.

Q. Isn't it the common custom of the sailmakers down there to pay the same as you?

(Objected to.)

A. I have heard so, but I don't know anything; I am not positive.

By Mr. Nicoll:

Q. Did you read Senator O'Connor's interview in the Times this morning? A. Sir?

Q. Did you read Senator O'Connor's interview in the Times this morning? A. I did not.

Q. Did you read it in the Tribune? A. No.

Chairman Lexow.—Excuse me. Come down to business. That has nothing to do with this investigation.

Mr. Nicoll.—I was just going to ask him. You will see how important it is in a moment.

Q. Did you read the statement of Senator O'Connor, one of the members of this committee, that the merchants and business men, who paid money to subordinate police officers not to do their duty, ought to be prosecuted? A. I do not recollect reading it; I don't think I read it; there is so much of it, I don't get much time to read it.

Q. You did not get time to read it? A. No; I did not get time to read it.

Mr. Goff.—What does he care, as long as he is all right with the Pantata; he don't care about prosecution.

Mr. Nicoll.—Well, I don't know. I don't think you ought to speak that way about one of your employes.

Mr. Goff.—I speak of it sadly, that one of my employes is not in it with one of the Pantata's.

By Senator Bradley:

Q. One question; do you know the policeman's name you paid the money to? A. There has been two; the first one I paid twice; and the first one he gave me his name; I couldn't tell you.

Q. Was it the man patrolling the beat or the wardman? A. I think not.

Q. Was it the wardman? A. I don't know.

Q. Did he tell you who sent him there? A. He intimated he was from the district station-house.

Q. Did he tell you he was from the station-house? A. No; he did not.

Q. He did not give you his name? A. He gave me his name, one of them, but I have forgotten it; I took it down, but lost it.

Q. Did either of them tell you where the money was going to? A. He did not say.

David N. Holly, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. Sailmaker.

Q. And where are you engaged in business? A. Maiden Lane and South street.

Q. How long have you been in business? A. I have been in business about 40 years.

Q. After you went there? A. Not in that corner, though.

Q. Down in that location? A. Down in that locality; yes, sir.

Q. Have you been hanging one of these little banners on your outer walls? A. Yes, sir; always.

Q. Have you had to pay the police? A. Yes, sir.

Q. How much have you had to pay? A. About \$5 a year.

Q. About \$5 a year; and to whom did you pay the money? A. Well, I paid it to the officer himself.

Q. The patrolman on the beat, or the man that came around?
A. The wardman.

Q. That was in old Slip Station precinct, the first precinct?
A. Well, around there.

Q. Do you know what captain is there now? A. No, sir; I don't know the captain.

Q. Do you remember the captains being there since you have been paid? A. No, sir.

Q. Remember the captains' names? A. No, sir.

Q. But no matter what captain came in there your pay continued the same? A. Yes, sir.

Cross-examination by Mr. Nicoll:

Q. When did you make the first payment? A. About eight years ago; I guess seven or eight years ago; seven years ago; no — somewhere in that neighborhood.

Q. Did you pay yourself? A. I have paid; yes, sir.

Q. You are not testifying to any occasion when you did not pay, are you? A. No; not particularly; only some years; the last two or three years; three or four years.

Q. Are you testifying, and have you testified in response to Mr. Goff's questions to any payments which you did not make yourself? A. Nobody ever gave any money for me; I gave it myself.

Q. Yourself? A. Yes, sir.

Q. To the officer? A. To the officer; yes, sir.

Q. Yourself? A. Myself.

Q. Was anybody else present when you gave it except the officer and yourself? A. I think my son.

Q. Your son was? A. Yes; he was with me.

Q. Every time? A. Not every time.

Q. What time? A. Well, I think it was one of the first times I gave it.

Q. What year? A. I guess I would have to go back six or seven years ago.

Q. Are you going to swear to that positively; are you going to put yourself down on record positively? A. No, sir; I am not.

Q. I want you to swear positively? A. I am telling you I paid the money.

Q. Tell me what year you paid the money; when your son was with you? A. I would have to look.

Q. You don't recollect? A. No; my son can, probably.

Q. I don't want the probabilities; please don't indulge in probabilities? A. I can not give it right without going to the books; I gave the money; that is positive; that is positive.

Q. I understand you to say that; I have no doubt you will keep on swearing to that; but I want you to swear as to the time he was present; was anybody present when you gave the first sum of \$5? A. I would have to think that over.

Q. You can't recollect? A. Not positively.

Q. Was anybody present the second time? A. No; not the second time that I know of.

Q. Nobody was present? A. You asked me those questions; I can not bring my mind down to it.

Q. As a usual thing, no one was present? A. Well, my son was there; I think he could testify to some of the times I gave it; I have always been in the habit in my early days of hanging out signs; it is on South street, and don't interfere with anyone.

Q. Are you able to swear to-day anything distinct as to the time? A. No; not positively; not to the date; I would not swear to the date.

Q. Or state who was present? A. Nor the persons who were present; I would have to ask my son about the time I gave that.

By Senator Bradley:

Q. Where did you pay the officer; did he go into the sail loft to you? A. He came up into the office.

Q. And demanded and asked you for the money? A. Yes, sir.

Q. Do you know the officer? A. The first officer — the first — his name was Bagone, several years ago; he is long out of that.

Q. Every time you paid the officer came up? A. Yes.

Q. Did he come the same time every year? A. Not the same time; this last year he hasn't been.

Louis Martin, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. Sailmaker.

Q. Where is your business? A. Forty-three South street.

Q. How long have you been in business for yourself? A. About one year.

Q. Before you were in business for yourself as sailmaker, were

you in partnership or employed by anybody else? A. I was employed by Charles W. Potter.

Q. At what place? A. Forty-three South.

Q. What position did you occupy? A. Well, as foreman there.

Q. How long were you with Mr. Potter? A. About 17 or 18 years.

Q. During the years that you were with Mr. Potter, were you in the habit of hanging a banner outside? A. Yes, sir.

Q. Advertising your business? A. Yes, sir.

Q. What were the dimensions of that banner? A. About six or seven feet square.

Q. Six or seven wide? A. Yes, sir.

Q. About how high from the sidewalk? A. Forty feet.

Q. This banner was made of canvas? A. Yes, sir.

Q. And your name or Mr. Potter's name? A. Yes, sir.

Q. And his business painted upon it? A. Exactly.

Q. Did Mr. Potter pay himself, or through you pay anything to the police? A. Yes, sir.

Q. On account of hanging that banner out? A. Yes, sir.

Q. How much? A. Five dollars a year.

Q. For how many years? A. Oh, 10 or 15 years, as near as I can judge.

Q. You know about the change of captains in that precinct, don't you? A. I don't know anything about the change of captains; I know the man came up, and I paid \$5 every year.

Q. You were not interested in the captain? A. No, sir; the \$5 had to go.

Q. Was the man that called in uniform? A. He was once; the first time he came up I know he was in uniform; I think once or twice in uniform.

Q. The other times in civilian's dress? A. Yes.

Q. It was the same man came all the time? A. No; different men.

Q. What was the consideration you got for paying the \$5? A. To have the banner extending out of the window.

Q. You were not interfered with or complaint made as long as you paid the money? A. No.

Q. Did you give the money to the officer? A. Yes, sir.

Q. Every time? A. Every time.

Q. Did you ask where the money went? A. He said it went to the police pension fund; I did not believe him, but that is what he said, and I did not believe it.

By Chairman Lexow:

Q. How did you come to pay that first? A. Well, he came up in uniform, and he did not state his business first off, and he wanted to see Mr. Potter, and, after seeing Mr. Potter, I saw him, and Mr. Potter told me what it was about, and gave me the money, and I handed it to the policeman.

Q. Did you have any conversation with him about it? A. We did.

Q. The first time when the first demand was made? A. Yes; you mean the policeman?

Q. Yes; what did the policeman say? A. He did not say what it was for, and he wanted to see Mr. Potter particularly.

Q. And the conversation was had with the principal? A. Yes, sir; and afterward he made no bones about it, and spoke to me, too.

Q. And came upstairs and spoke to you directly? A. Yes, sir; spoke to me directly; came right upstairs and spoke to me.

Mr. Goff.—I wish to say, Mr. Chairman and Gentlemen, that we have a large number of sailmakers. We do not wish to take up the time of the committee for this evening any further in that direction, but I state it as a fact that that is the uniform custom all through the district occupied by the sailmakers. We have simply selected these few witnesses so as to prove the existence of that fact before the committee. Any gentlemen here from South street, sailmakers, are excused.

Chairman Lexow.—I do not see any necessity of amplifying that fact, without it is disputed.

Mr. Goff.—We have ascertained it is the uniform custom down there.

Mr. Nicoll.—No names have been mentioned. They have not mentioned any officers, or any individual, as having received any money.

Chairman Lexow.—No; but places have been given, and the officers on the beat there have been named, while firm names have been mentioned that have been designated as having paid the money.

Antoine Zucca, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. I am a fruit broker.

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Q. Are you the president of any society of fruit sellers? A. I am the president of the Italian Fruit Dealers' Association.

Q. Now, as president of the Italian Fruit Dealers' Association, do you not know it as an existing fact that the Italian fruit dealers of New York have to pay for their fruit-stands on the sidewalk to the police?

(Objected to; objection overruled.)

Mr. Goff.—I am asking as to his knowledge.

The Witness.—Generally, all the complaints they make to me about paying something to the police.

Mr. Nicoll.—I move to strike it out.

By Chairman Lexow:

Q. You mean to say you are the headquarters to which they go to make their complaint? A. Generally, they make the complaint to me about when they did pay something to the police.

Q. In your official capacity as president of the association? A. Generally, when they are in trouble, they all come to me to get some help.

Q. As president of the association? A. Of the association.

By Mr. Goff:

Q. And it is the general custom among them that they have to pay the police, isn't it? A. They generally say so.

Mr. Goff.—No further question.

Mr. Nicoll.—I don't think evidence of that sort ought to be dignified as testimony.

Chairman Lexow.—We take it for what it is worth. I don't think it is strong evidence.

By Senator Bradley:

Q. Do you know of the fact of anyone of them having to pay money for protection, for the privilege of keeping their stands on the sidewalk; do you know of any individual that has to do it, of your own knowledge? A. On their meeting—we meet once a month, and, of course, they come to me, and they say, "I paid so much to—

Q. How much would they mention? A. I suppose \$25 or \$10, and push their carts pay \$1; in last December, when we had

in Tammany Hall a masquerade ball of the association, when we arranged the hall with fruit, I called Mr. Richard Croker.

Q. You called Mr. Richard Croker to examine the decoration?

A. And I told him that there is a general complaint of all my people had to pay something to the police in America for to use the sidewalk, or for have some protection in the way of selling their wares, their fruit.

Q. What did Croker say to you? A. Mr. Croker said that, so far that the Tammany Hall will have the control of the charge of the city, they will see that the business, or the mercantile business of the city, will be — the law will be in their interest, and so of all the people in New York; only Mr. Croker is not a man that don't speak very much; and on that ground on the Fruit Exchange I made a motion to have the law of 1880, I suppose section 31 or 32 or 34 to 61 — we made a motion to petition to the board of aldermen to change the law, as we thought it was more really the fault of the law than the fault of the police; accordingly, the law of 1880 — no one in the market or any place can do business by using the sidewalk; we made a motion to the board of aldermen, and I should think the aldermen passed that resolution to that effect to change that law; but I believe the mayor did not sign it, on account of Mr. Clarke, the corporation counsel, you know, gives something that it is not constitutional, or something of that kind.

Q. That was before election he made you that promise, wasn't it? A. It was on the 26th of December.

Q. What year was that in? A. Last year.

By Mr. Goff:

Q. Now, you are yourself the president of a Tammany Hall organization, aren't you? A. I am only on the general committee of the Twenty-eighth district.

Q. You are on the general committee? A. Yes, sir.

Q. I want to ask you if you know a fruit dealer of the name of Gargueles? A. Yes, sir.

Q. Where is his place? A. Seventy-two Barclay street.

Q. Didn't Gargueles admit to you that he had paid money to the police? A. Yes; he showed me his book when he paid \$25.

Q. And he swore here yesterday, I think it was, or the day before, that he did not admit to you or to any other person that he had paid money to the police; now, did he swear to what

was true or untrue, when he swore that? A. So far as I see it in the paper, he said he was only fooling.

Q. I know you saw in the newspaper he said he was only fooling? A. That is all.

Q. But he denied having admitted to you that he had paid \$25 to the police; now, when he said that, did he say what was true or untrue? A. I think he said untrue.

Chairman Lexow.—He says it is untrue.

Senator O'Connor.—How would that kind of evidence be competent against anybody on the broadest theory even of an investigation of this kind; how can we admit evidence of that character? You put on one witness. All the evidence is that this witness lied when he said he did not pay the police.

Mr. Goff.—It is an admission, and admissions are always in evidence, and good evidence against the party that makes them.

Senator O'Connor.—That is all right; but we are not trying that party.

Mr. Nicoll.—It is a late repentance on the part of the committee, because they have received a great deal of such evidence.

Chairman Lexow.—The testimony was admitted, and therefore this testimony is admissible. Senator O'Connor was giving his personal judgment on the subject.

Mr. Nicoll.—I have been present when the committee has received just such evidence as Senator O'Connor has now so properly condemned. I have seen witnesses put on the stand and asked whether or not they did not state that.

Senator O'Connor.—Not unless they were connected with the police department.

By Mr. Goff:

Q. Do you remember an article having appeared in the papers about the Italians having to pay the police for the use of the sidewalks by their fruit stands? A. Well, there was a good many of those articles; I don't know which you refer to.

Q. Do you remember at any time after an article had appeared in the public press that an ordinance officer; that is, the police officer, went around to the fruit-stand keepers threatening them to keep quiet, or to say nothing about it? A. I do not know anything—

Q. Do you remember an ordnance officer having been transferred from that neighborhood down there on account of the publication of an article in a newspaper? A. Yes, sir.

Q. Don't you remember after he was transferred he went around the very next day to the fruit-stand keepers, telling them they must keep quiet, and say nothing about it? A. You mean Mr. Hickey.

Q. Yes; that is so; isn't it? A. Yes.

Q. Don't you know he had been collecting from the fruit-stand keepers quite a while? A. There is a general impression; I did not see personally him give any money myself.

Cross-examination by Mr. Nicoll:

Q. You, yourself, never saw anybody pay any money to the police, did you? A. No, sir; I have been many times around the captain, about all the captains of the police in New York, but I never offered any money.

Q. You, yourself, have not done so? A. I never did, sir.

Q. All you have testified to is conversations you have had with other persons? A. All the complaint that the people of our organization made to me as the president.

Q. And you have no personal or direct knowledge of any such corrupt transaction? A. I don't know any; I never see handled any money.

Q. I understood you to say that you told Mr. Croker of the complaints which had been made to you in your association? A. Yes, sir.

Q. And that he said to you that as long as the Tammany Hall organization has control they propose to protect the mercantile interests of the city; is that it? A. Yes; something to that effect; he talks very shortly; he don't talk very much; that was about the idea he conveyed to me.

Q. Was it in consequence of that conversation that the resolution or ordinance was introduced in the board of aldermen? A. Yes, sir; I made a motion on the first meeting after that conversation in the Fruit Exchange; and the Fruit Exchange nominated a committee of three, Mr. Goodsell, Mr. Zower and myself, to make this petition, and we made the petition, and showed the petition to Mr. Morgan, Alderman Morgan; and the petition stated that some of the fruit men complained they had to pay for protection of the police really what they are entitled

to without paying anything, and Mr. Morgan stated that we had better leave that out, and so we left out some of those statements of that sort, and we only asked the board of aldermen to change, to amend the law of 1880, so that the people in America could use the sidewalk to a certain extent; of course we state we don't want a law for Fifth avenue should be different to what the law is for Washington market; the fruitmen — the produce men should have some kind of way — chance to expose their wares and their fruit, so they can sell it the same as it is in Boston, in Philadelphia, in Chicago, where they have a certain section of the city where they can do their business; this was about the idea of the petition.

By Chairman Lexow:

Q. You meant by that to pass a law according to which the police would not have anything to sell; wasn't that it? A. So the fruit men would not have to pay anything to the police for what they are entitled to in their business; that is really what we claim is more a fault of the law than the police.

Q. And the board of aldermen passed your resolution? A. They did.

Q. And it was found to be ineffective by an opinion of the corporation counsel? A. Yes.

Q. So, the mayor vetoed it? A. I do not think he vetoed it; did not sign it.

Q. It was after Mr. Croker gave the word that the resolution was introduced into the board of aldermen, wasn't it? A. Well, Mr. Croker would speak, only it was only 6 o'clock.

Q. It was after Mr. Croker giving word that the resolution was introduced into the board of aldermen? A. Yes, sir; I made a motion.

Senator Cantor.—After he gave the word to the witness.

Mr. Goff.—I assume that; and it was passed, of course, as they were bound to pass it.

Senator Cantor.—No; bound by the facts; that is all.

Patrick Ryan, recalled, testified as follows:

Direct examination by Mr. Goff:

Q. Mr. Ryan, I call your attention to stub check-book, dated from November 25, 1893, to January 31, 1894, to stub No. 435,

name C. W. Dayton, date January 12, 1894, \$57.20, post-office; you know what that was for? A. Dayton; yes, sir.

Q. What was that for? A. That was goods I bought of the United States post-office at that time.

Q. Goods you bought of that United States post-office? A. Yes, sir; you will find a good many there.

Q. Now, I find a check of the same number, a return voucher of yours, and of the date January 13, check 435, beneath, "To the order of bearer \$100;" there is no indorsement on it; can you tell me to whom that check was given, the same number of the check as the stub calls for to Mr. Dayton? A. There is no indorsement on it, and still it went through the bank, I suppose.

Q. No indorsement on it? A. I could not tell.

Q. And it is the same number of check as Mr. Dayton's? A. I could not tell as to that, because I frequently brought checks, and my neighbors cash them on Saturday afternoon, especially when we make up the pay-roll.

Mr. Nicoll.—Speak up louder.

A. We come to make up the pay-roll, and our neighbors, in the neighborhood, think I am not there, and my son has got a check, and he goes in next door and gets the check cashed, and there is no indorsement on that.

By Chairman Lexow:

Q. It would not have an indorsement drawn to bearer? A. Well, perhaps the bank cashed that check.

Q. Your pay-rolls exceeded \$100 a week, didn't they? A. Yes.

Q. They were about \$375, weren't they? A. Yes; at one time before the panic set in.

Q. This \$100 payment would not account for any pay-roll check? A. No; we may be short of cash on hand.

By Mr. Goff:

Q. I find in the same check-book, from which I have last read, another date of January 15, 1894, 144, check payable to Wauhope Lynn, professional services, \$50; what is that for? A. Counsel fees.

Q. Yes; counsel fees; that is Judge Lynn? A. Yes; judge now; he was counsel at that time.

Q. This was 1894? A. Yes; that is professional services, sure.

Q. He was judge then? A. He was; and he defended the case for me; that is his fee for him.

Q. He defended a case in court for you? A. Yes, sir.

Q. That had nothing to do with the corporation ordinance? A. No, sir.

Q. I find in the check-book that I have read from after the date January 15, 1894, check to Judge Lynn for \$50, dated January 15th; I find that on the next day, January 16, 1894, there is a check made payable to the corporation attorney for \$7.50? A. Yes, sir.

Q. Was that the case Judge Lynn defended in court? A. No, sir; it was not.

Q. Had the payment of Judge Lynn any relation to the payment of this fine? A. No, sir; another matter; a private matter.

Q. Now, I read from stub check-book, June 17, 1893, to September 5, 1893, stub check-book No. 95, I hand you the return voucher, dated July 20, 1893, "Pay to the order of bearer \$50, Patrick Ryan;" what does that stand for? A. That stands for the same that you find hundreds of others stand for; I can not tell you what these things are now; that is a common thing I did to sign a check to bearer; it may be an accommodation.

Q. This stub says, "Mr. Kelly, police money"? A. Well, I suppose Mr. Kelly had that money; I didn't hand him any money.

Q. This check is the check calling for the \$50 of this stub? A. That may be.

Q. And that is your signature? A. Yes; that may be; I didn't hand them; that was signed the same as other checks.

Senator Bradley.—That is not indorsed. It is charged on the book to Officer Kelly.

By Mr. Goff:

Q. What is meant there by "police money"? A. I could not tell you what that meant; I did not give that money, as I told you, that money; I sanctioned it, I suppose; but the check was given out before I knew anything about it.

Q. This Mr. Kelly was the roundsman there, wasn't he? A. No; he was the wardman.

Q. What did you countenance the giving of \$50 out to the wardman for? A. Why did anyone of us do it; why did hundreds of others do it.

By Chairman Lexow:

Q. You said, why did your neighbors do it; do you know your neighbors did it? A. I did not; but by the talk of numbers I know it now; I did not know it then.

Q. After you had seen that check drawn to bearer for \$50, which has been apparently cashed over the bank's counter, is your recollection refreshed as to the use put to the check for \$100 to bearer that was handed to you a moment ago? A. Yes, sir; I think so.

Q. What is that check for? A. Where is that \$100 check. Senator Bradley.— He says his memory was refreshed.

By Chairman Lexow:

Q. Was that paid for police money in the same way? A. I guess it must be; I would not swear to it.

By Mr. Goff:

Q. I read from the stub check-book, Exhibit No. 1, of this date for identification, and I hand you the return voucher? A. What date is that?

Q. November 12, 1892, check No. 1004, stub saying, "Captain of police, \$100;" return voucher says, "Pay to order of bearer \$100;" is that your signature on that check? A. That is my signature; that is mine.

Q. Now, who was the captain of police, to whom that money was given? A. What date was that?

Q. November 12, 1892? A. Well, let me see; if I am not mistaken, Stevenson was our captain at that time.

Q. Captain Stevenson? A. I think so.

Q. The Leonard street station? A. I think so.

Q. Who was Charles Raherman whose name is indorsed? A. He keeps a liquor saloon on the corner of Washington and Morton, opposite my place of business.

Q. And you cashed the check there and the money was handed to the police captain? A. No; I did not hand it.

Q. Who did? A. Somebody else did; I did not do it.

Q. Since you have seen that check and see that is a check for \$100 drawn to bearer, and the stub is marked for the police captain, have you refreshed your recollection with reference to the other check for \$100, so as to say whether or not that other

check for \$100 went for the same purpose? A. What date is that?

Q. November 12, 1892; that is, the captain's check.

Chairman Lexow.—They are just about a year apart.

The Witness.—To what check have you reference?

Mr. Goff.—The other check for \$100.

Mr. Nicoll.—Does he say he paid any money to a captain?

The Witness.—That has nothing to do with it.

Chairman Lexow.—Check No. 435.

The Witness.—What date was that?

Mr. Goff.—January 13, 1894.

Senator O'Connor.—This year? That is about a year later.

The Witness.—That was an ordinary check I myself have got cashed. That was about that time.

By Chairman Lexow:

Q. You said in answer to my previous question with reference to this check for \$100, after refreshing your recollection, with reference to a check of \$50, that that check for \$100 was also given to the police? A. No.

Q. Now, after seeing the check for \$100, which the stub said was given to the police captain, can you refresh your recollection with reference to this other \$100 check, and say whether or not they went to the same persons? A. I can not recollect all those things.

Q. Was it made out to bearer? A. To bearer; the man must have got that check cashed by some of my neighbors, as well as others got cashed.

Q. The check that went to the police captain, according to the stub of your book, and which you admit was paid to the police captain was also to bearer; now, this other check is for \$100, and payable to bearer; and you stated you had refreshed your recollection in regard to this other check after seeing the Kelly check, so that you could say that check was also intended for the police? A. No, sir.

Q. After seeing this \$100 check that went to the police captain, are you prepared to swear that check of \$100 did not also go to the police captain? A. I am prepared to swear it.

By Mr. Goff:

Q. But you know, Mr. Ryan, you may be mistaken; you know that when you came on the stand here first you said you never

paid any money to the police? A. Personally I did not; I gave those checks in a promiscuous quantity and my son is authorized to give away checks to the proper parties.

Q. You, as an honest man, would not want to take refuge behind such a technicality that you did not hand it personally? A. I did not hand it personally; I did not pay it myself personally, and I did not know whether it was paid or not.

Q. Let me ask you about this check of \$100 that was paid to Captain Stevenson; how did that happen to be paid? A. It was a regular tariff, I think, on that.

Q. We want the facts? A. Yes; a regular tariff.

Q. A regular tariff? A. Yes, sir.

Q. The police laid the tariff? A. Yes, sir.

Q. What was that; for keeping the sidewalks—? A. That was for using the sidewalk; using the sidewalk.

Q. How was the tariff arranged so \$100 was paid? A. That was for a year.

Q. For a year? A. Yes, sir.

Q. In addition to the \$50 you paid Kelly the wardman, and in addition to the \$50 you paid Captain Stevenson of the Leonard street station; did you ever pay anything to the captain of Charles street station? A. Yes, sir.

Q. You have a place also in the precinct—in the Ninth precinct, isn't it? A. I have.

By Chairman Lexow:

Q. How much did you pay to the Charles street station? A. One hundred dollars.

By Mr. Goff:

Q. Let me see, Mr. Kelly, where is your place of business in the Ninth? A. I am in Morton street, near Washington.

Q. That is all; that is in the Ninth precinct? A. Yes, sir.

Q. And was Captain Thompson captain of the precinct when you paid the money? A. He was there at that time; I did not pay it to him.

Q. Who did you pay it to? A. I believe it was paid to the wardman.

Q. To the wardman? A. Yes; I believe so.

Q. What was the wardman's name? A. He was there long; he was there long before.

By Chairman Lexow:

Q. Do you remember his name? A. I forget his name; I will recollect though.

By Mr. Goff:

Q. How did you pay that money? A. It was in cash.

Q. Where did you hand the money to the wardman? A. I handed it to him in the saloon.

Q. What saloon? A. Joseph Grassmuch.

Q. That is near your place of business? A. Nearby.

By Senator O'Connor:

Q. Did you pay this \$100 every year to each precinct? A. No; it was very liberal at first; they kept increasing it.

Q. Recently, have you paid it every year? A. No.

By Chairman Lexow:

Q. What was it at first? A. There was no tariff on it at first; a \$10 bill or \$5 bill.

Q. When was the first tariff fixed? A. I don't remember about that.

Q. What is the amount of the first tariff? A. I couldn't tell you.

Q. Twenty-five dollars, or \$50, or \$75? A. In the neighborhood of \$20.

Q. And they increased from \$20 to what? A. It got to be a regular system; it got to be a regular system.

Q. Can you say in what year this regular system was introduced? A. I could not say.

Q. Was it four years ago? A. No.

Q. About three years ago? A. I think so.

Q. And then they increased the price from \$20 or from what you would give? A. Yes, sir.

Q. To \$100; is that so? A. That was the price of that precinct, on two or three occasions, I think.

Q. Then you paid from three years ago, until this year, each year \$100 in that precinct? A. Why, no; not as much as that; it was increased in the last couple of years.

Q. How much did you pay three years ago? A. About \$50.

Q. Fifty dollars? A. About that.

Q. Then it was increased from \$20 to \$50? A. Yes.

Q. And two years ago it was increased from \$50 to \$100?
A. Yes, sir.

Q. And the last two years you paid \$100? A. That \$50 Kelly got was for a year; I reduced it myself, and I told him I wouldn't stand it.

Q. You reduced it from \$100 to \$50? A. Yes, sir.

By Senator Cantor:

Q. You would not stand the tariff, and paid only 50 cents?
Chairman Lexow.— Fifty dollars.

Q. And in the other two precincts it was \$100? A. One of them I did not pay a cent.

Q. What was that? A. The Fourteenth.

Q. You never paid \$1 there? A. No, sir.

Q. Was there any fixed in the other precinct? A. This only one — Thompson.

Q. That was only one? A. That was only one year.

Q. What year was that? A. Well, shall I tell you the date of that by that check; that is a cash payment.

Q. Well, you paid the wardman, as I understand it? A. Yes, the wardman.

Q. When was the last payment you made in that precinct in the Charles street station? A. That is not since I paid the \$100; since the change of captains they have not bothered me.

Q. Have you paid there within a year? A. It is more than a year since I did it.

Q. What is the date of that? A. The date of that check?

Q. Before that check, how much did you pay? A. That was in cash.

Q. That check represents the cash you gave? A. That was the only money.

Q. Didn't you make any contribution before then in that precinct? A. No.

Q. Did the wardman come and make that demand upon you?
A. Yes, sir.

Q. Did he give you any reason why he made that demand?
A. He said that was the tariff.

Q. He said that was the fixed and payable tariff for that precinct? A. Yes; I think those are the words he used.

By Mr. Goff:

Q. For instance, I find here, check No. 215, under date of September 21, 1893, paid to the order of Tammany club, \$5? A. Tammany club?

Q. Tammany club, M. Schlessinger? A. That is right.

Q. For a special to William Hopkopf; are you a member? A. Not of that club.

Q. What was that \$5? A. It was an excursion ticket.

Q. Chowder ticket? A. Chowder; yes, sir.

Q. Now, I find here a year after you made the check payable to the police captain, the check dated November 12, 1892? A. Yes, sir.

Q. I find on November 18, 1893, check No. 289, payable to the order of William A. Washington, \$125? A. Was that made out to Washington, or made out to Grassmuck?

Q. William Washington? A. Was that the date; I will explain that easy enough.

Q. Who is Washington? A. I don't know; he is Mr. Grassmuck's banker, that is all I know about it; any checks that Mr. Grassmuck cashes for his neighbors or friends, he turns them over to this banker, this Mr. Washington.

Q. To this Mr. Washington? A. Yes; that is the only explanation I can give of that.

By Chairman Lexow:

Q. That was simply to get cash money? A. Yes; that was it; that was an accommodation to me to get cash money.

Chairman Lexow.—What is the date of that?

Mr. Goff.—November 18, 1893.

By Mr. Goff:

Q. I find quite a number of checks drawn by you to the order of Katie Grassmuck; and all in the sum of \$100? A. Yes; that is the general case; when I got a check cashed there, I got a check cashed for \$100.

Q. You drew your check payable to the order of Katie Grassmuck, \$100? A. That is my wife; I don't try to tell who goes with the checks, myself.

Q. I find all the checks you draw to the order of Katie Grassmuck are indorsed by William A. Washington? A. Washington, as I told you before, deposited his check; he is the bank.

Q. Have you now stated to this committee, under the solemnity of your oath, notwithstanding what you may have said at the commencement of this examination; have you now stated all the money that you have paid to the policemen in any manner, shape or form? A. Now, that is asking a great deal; I would have to go back a great ways*to tax my memory.

By Chairman Lexow:

Q. How far would you have to go? A. About 30 years.

Q. Do you mean to say by that you have for 30 years continuously paid to the police? A. Well, in one way or another; that is, around the holidays, and be friendly, and like of that.

Q. Making presents and contributions and things of that sort? A. Yes, sir.

Q. You felt that you were perfectly justified in making presents to the police, even if that present had the effect of giving you rights in the sidewalk that the law did not authorize you? A. You know how people feel about that; I can tell you all about \$100 checks.

Q. This evening, that would be sufficient; we will retain these checks, and look over them at our leisure.

The Witness.— You will return them all together, won't you.

Mr. Goff.— Certainly.

Cross-examination by Mr. Nicoll:

Q. I understood you to say in answer to Mr. Goff, that you paid Wardman Kelly the sum of \$50? A. Yes, sir.

Q. When? A. Well, I have got the date of the check.

Q. How? A. The check is there.

Senator O'Connor.— The time the check is dated, he says.

Mr. Goff.— July 20, 1893.

By Mr. Nicoll:

Q. Did you make that payment yourself? A. I did not, sir.

Q. Did you see it paid? A. I did not.

Q. I understood you to say that at a prior date the check for the sum of \$100 was paid to Captain Stevenson? A. Yes, sir.

Q. Did you pay that? A. I did not.

Q. Did you see it paid? A. No, sir; I signed the note, and signed it before it was made out.

Q. You did not pay it? A. No; not myself personally.

Q. Nor see it paid? A. No.

Q. Have you ever paid Captain Stevenson any money yourself? A. Never.

Q. Never? A. No.

Q. Or Captain Thompson any money? A. Never paid him any money.

Q. Never? A. Paid his man.

Q. Never paid him any money? A. No, sir.

Senator Bradley.—He said he paid his man.

Mr. Nicoll.—I heard that.

Senator Bradley.—I thought, perhaps, you didn't hear that.

Mr. Nicoll.—Oh, yes.

Q. You have never paid Captain Thompson any money? A. No, sir.

Q. Or Captain Stevenson any money? A. No; never any myself, personally; never.

Q. And you, yourself, did not pay any of the sums which Mr. Goff has called your attention to? A. No.

Chairman Lexow.—I suppose that is the end of the testimony to-day?

Mr. Goff.—I beg your pardon. One moment, Mr. Ryan.

Q. I forgot to ask you, is that handwriting on the body of this check that you signed, the \$100 check for Captain Stevenson, November 12, 1892— A. He writes a great majority of the checks; I know that.

Senator Bradley.—He said this morning, it was the young man he had working for him.

Mr. Goff.—Oh, yes.

The Witness.—That I would not be positive about. Let me see another check written by him, and perhaps I can tell.

Q. Here is the stub; perhaps, you can tell from that? A. I am under the impression that that is my former bookkeeper's writing; I think so.

Q. Now, I want to ask you a question with regard to Charles Reheman; who is he? A. He is a liquor dealer.

Q. Where is his place? A. Corner of Morton street and Washington; I am on one side, and he is on the east side, right side directly opposite my place of business.



